

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**FIRST DAY**

---

House Chamber, Olympia, Monday, January 13, 2003

The House was called to order at 12:00 Noon by Chief Clerk Zehnder.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard. Chief Clerk Zehnder led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Jose Bernardo Rubio, of Vancouver, a sophomore at the University of Washington. Prayer was offered by Father John Scott, Professor of American History, St. Martin's College, Lacey.

"Oh Lord our God, we pray today in earnest and diverse ways for our legislators as they convene to carry out the people's business for the betterment of the State of Washington. Give them both wisdom and a spirit of cooperation. And by their patience and energy, may they work together, and combine their many insights and talents so as to better the lives of all the citizens of our Evergreen State. With prudence and foresight may our legislators strive earnestly and successfully during their session for the true betterment of our State's citizens and sojourners.

To you Oh God we offer praise and thanksgiving both now and always. Amen."

The Chief Clerk requested a moment of silence in memory of former Representative Maryann Mitchell.

Chief Clerk Zehnder requested Representatives Delvin and Eickmeyer escort Chief Justice Gerry Alexander of the Supreme Court of the State of Washington to the Rostrum.

**MESSAGES FROM THE SECRETARY OF STATE**

The Honorable Speaker of the House of Representatives  
Legislature of the State of Washington  
Olympia Washington

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

Substitute House Bill No. 1268  
Substitute House Bill No. 1444  
Second Substitute House Bill No. 1531  
Substitute House Bill No. 1759  
Engrossed Substitute House Bill No. 2326  
House Bill No. 2332  
Second Substitute House Bill No. 2346  
Substitute House Bill No. 2366  
Second Substitute House Bill No. 2403  
Engrossed Substitute House Bill No. 2451  
Substitute House Bill No. 2502  
Substitute House Bill No. 2648  
Engrossed Second Substitute House Bill No. 2671

Engrossed Substitute House Bill No. 2866  
Engrossed House Bill No. 2901

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 13<sup>th</sup> day of January, 2003.

SAM S. REED  
Secretary of State

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,808,720 votes cast by the 3,209,648 registered voters of the state for and against the referendum which was submitted to the vote of the people at the state general election held on 5<sup>th</sup> day of November, 2002, as received from the County Auditors.

**WA State Propositions Referendum Bill, 53**

The legislature passed Engrossed House Bill 2901 (EBB 2901) concerning unemployment insurance [and voters have filed a sufficient referendum petition on parts of this bill]. This bill would revise laws regarding unemployment insurance for employers, including establishing new employer rate classes, increasing some taxable wage bases, and imposing surcharges if certain contingencies occur.

Approved 665,760  
Rejected 966,901

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 10<sup>th</sup> day of January 2003.

SAM S. REED  
Secretary of State

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,808,720 votes cast by the 3,209,648 registered voters of the state for and against the initiatives and resolution which were submitted to the vote of the people at the state general election held on 5<sup>th</sup> day of November, 2002, as received from the County Auditors.

**WA State Propositions Initiative to the People, 776**

"Initiative Measure No. 776 concerns state and local government charges on motor vehicles. This measure would require license tab fees to be \$30 per year for motor vehicles, including light trucks. Certain local-option vehicle excise taxes and fees used for roads and transit would be repealed.

Should this measure be enacted into law?"

Yes 901,478  
No 849,986

**WA State Propositions Initiative to the People, 790**

"Initiative Measure No. 790 concerns law enforcement officers' and firefighters' retirement system, plan 2. This measure would place management of the law enforcement officers' and fire fighters' retirement system, plan 2, in a board of trustees consisting of six plan participants, three employer representatives, and two legislators."

Should this measure be enacted into law?"

Yes 903,113  
No 800,105

### **WA State Propositions Referendum Measure, 51**

"The Legislature has passed House Bill No. 2969, financing transportation improvements through transportation fees and taxes. This bill would increase highway capacity, public transportation, passenger and freight rail, and transportation financing accountability through increased fuel excise taxes, sales taxes on vehicles, and weight fees on trucks and large vehicles.

Should this Bill be:"

Approved 674,724  
Rejected 1,081,580

### **WA State Propositions Senate Joint Resolution, 4220**

"The Legislature has proposed a constitutional amendment on fire protection property tax levies. This amendment would permit property tax levy propositions for fire protection districts to be submitted to voters for periods up to four years, or six years for fire facility construction, rather than annually.

Should this constitutional amendment be:"

Approved 1,173,499  
Rejected 498,145

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

Mr. Speaker:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Representative at the State General Election held in the State of Washington on the fifth day of November, 2003, as shown by the official returns of said election now on file in the office of the Secretary of State:

DISTRICT	POSITION	COUNTIES PRESENTED	NAME
No. 01	1 2	King*, Snohomish*	Al O'Brien (D) Jeanne A. Edwards (D)
No. 02	1 2	Pierce*, Thurston*	Roger Bush (R) Tom Campbell (R)
No. 03	1 2	Spokane*	Alex Wood (D) Jeff Gombosky (D)

No. 04	1 2	Spokane*	Larry Crouse (R) Lynn Schindler (R)
No. 05	1 2	King*	Cheryl Pflug (R) Glenn Anderson (R)
No. 06	1 2	Spokane*	Brad Benson (R) John Ahern (R)
No. 07	1 2	Ferry, Lincoln, Okanogan*, Pend Oreille, Spokane*, Stevens	Bob Sump (R) Cathy McMorris (R)
No. 08	1 2	Benton*	Shirley Hankins (R) Jerome Delvin (R)
No. 09	1 2	Adams, Asotin, Franklin*, Garfield, Spokane*, Whitman	Don Cox (R) Mark G. Schoesler (R)
No. 10	1 2	Island, Skagit*, Snohomish*	Barry Sehlin (R) Barbara Bailey (R)
No. 11	1 2	King*	Zack Hudgins (D) Velma Veloria (D)
No. 12	1 2	Chelan, Douglas, Grant*, Okanogan*	Cary Condotta (R) Mike Armstrong (R)
No. 13	1 2	Grant*, Kittitas, Yakima*	Janea Holmquist (R) Bill Hinkle (R)
No. 14	1 2	Yakima*	Mary Skinner (R) Jim Clements (R)
No. 15	1 2	Clark*, Klickitat, Skamania, Yakima*	Bruce Chandler (R) Daniel Newhouse (R)
No. 16	1 2	Benton*, Columbia, Franklin*, Walla Walla	Dave Mastin (R) Bill Grant (D)
No. 17	1 2	Clark*	Marc Boldt (R) Deb Wallace (D)
No. 18	1 2	Clark*, Cowlitz	Tom Mielke (R) Ed Orcutt (R)
No. 19	1 2	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Brian Hatfield (D) Brian Blake (D) appointed
No. 20	1 2	Lewis, Thurston*	Richard DeBolt (R) Gary Alexander (R)

No. 21	1 2	Snohomish*	Mike Cooper (D) Brian Sullivan (D)
No. 22	1 2	Thurston*	Sandra Romero (D) Sam Hunt (D)
No. 23	1 2	Kitsap*	Phil Rockefeller (D) Bev Woods (R)
No. 24	1 2	Clallam, Grays Harbor*, Jefferson	Jim Buck (R) Lynn Kessler (D)
No. 25	1 2	Pierce*	Joyce McDonald (R) Dawn Morrell (D)
No. 26	1 2	Kitsap*, Pierce*	Pat Lantz (D) Lois McMahan (R)
No. 27	1 2	Pierce*	Dennis Flannigan (D) Jeannie Darneille (D)
No. 28	1 2	Pierce*	Gigi Talcott (R) Mike Carrell (R)
No. 29	1 2	Pierce*	Steve Conway (D) Steve Kirby (D)
No. 30	1 2	King*	Mark Miloscia (D) Skip Priest (R)
No. 31	1 2	King*, Pierce*	Dan Roach (R) Jan Shabro (R)
No. 32	1 2	King*, Snohomish	Maralyn Chase (D) Ruth Kagi (D)
No. 33	1 2	King*	Shay Schual-Berke (D) Dave Upthegrove (D)
No. 34	1 2	King*	Eileen Cody (D) Joe McDermott (D)
No. 35	1 2	Grays Harbor*, Kitsap*, Mason, Thurston	Kathy Haigh (D) William Eickmeyer (D)
No. 36	1 2	King*	Helen Sommers (D) Mary Lou Dickerson (D)
No. 37	1 2	King*	Sharon Santos (D) Eric Pettigrew (D)

No. 38	1 2	Snohomish*	John McCoy (D) Jean Berkey (D)
No. 39	1 2	King*, Skagit*, Snohomish*, Whatcom*	Dan Kristiansen (R) Kirk Pearson (R)
No. 40	1 2	San Juan, Skagit*, Whatcom*	Dave Quall (D) Jeff Morris (D)
No. 41	1 2	King*	Fred Jarrett (R) Judy Clibborn (D)
No. 42	1 2	Whatcom*	Doug Ericksen (R) Kelli Linville (D)
No. 43	1 2	King*	Ed Murray (D) Frank Chopp (D)
No. 44	1 2	Snohomish*	Hans Dunshee (D) John Lovick (D)
No. 45	1 2	King*	Toby Nixon (R) Laura Ruderman (D)
No. 46	1 2	King*	Jim McIntire (D) Phyllis Kenney (D)
No. 47	1 2	King*	Geoff Simpson (D) Jack Cairnes (R)
No. 48	1 2	King*	Ross Hunter (D) Rodney Tom (R)
No. 49	1 2	Clark*	Bill Fromhold (D) Jim Moeller (D)

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 13th day of January 2003.

SAM S. REED  
Secretary of State

#### **MESSAGE FROM COWLITZ COUNTY**

December 18, 2002

The Honorable Gary Locke  
Governor of the State of Washington  
Legislative Building  
Olympia WA 98504-0002

Dear Governor Locke:

The Boards of County Commissioners of Cowlitz, Grays Harbor, Pacific and Wahkiakum counties did meet jointly at 2:30 p.m., December 17, 2002, at the Cowlitz County Administration Building, Commissioners' Hearing Room, 207 Fourth Avenue North, Kelso, Washington, to select a successor for the House seat vacated by the resignation of Mark Doumit (D), in the 19th Legislative District.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Cowlitz, Grays Harbor, Pacific and Wahkiakum counties appointed Brian Blake to fill the 19th Legislative District House of Representatives vacancy created by the resignation of Mark Doumit. Enclosed is the resolution of appointment.

By Direction,

**Board of County Commissioners of Cowlitz County, Washington**

Vickie Musgrove  
Clerk of the Board

**RESOLUTION FILLING VACANT HOUSE  
POSITION IN 19TH LEGISLATIVE DISTRICT**

SJR 02-002

WHEREAS, Representative Mark Doumit has submitted his resignation for his position as representative for the 19th Legislative District and that position is now vacant; and

WHEREAS, the State Democratic Central Committee has submitted a list of three names for consideration by the Joint Boards of Commissioners for Cowlitz County, Wahkiakum County, Pacific County, and Grays Harbor County; and

WHEREAS, the Joint Boards of County Commissioners for Cowlitz County, Wahkiakum County, Pacific County, and Grays Harbor County have convened in joint session and duly considered the three names submitted by the State Democratic Central Committee, now, therefore:

IT IS HEREBY RESOLVED by Joint Boards of County Commissioners for the counties of the 19th Legislative District meeting in special session, that Brian Blake be and is hereby appointed to fill the vacant position of Representative for the 19th Legislative District.

IT IS FURTHER RESOLVED that the clerk of the joint board forward this resolution to the Governor and the Secretary of State.

APPROVED this 17th day of December, 2002.

**BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WASHINGTON**

Jeff M. Rasmussen, Chairman  
George Raiter, Commissioner  
J. Bill Lehning, Commissioner

**BOARD OF COUNTY COMMISSIONERS OF PACIFIC COUNTY, WASHINGTON**

Norman B. Cuffel, Chairman  
Pat Hamilton, Commissioner  
Jon Kaino, Commissioner

**BOARD OF COUNTY COMMISSIONERS OF GRAYS HARBOR COUNTY, WASHINGTON**

Bob Beerbower, Chairman  
Dennis Morrisette, Commissioner

**BOARD OF COUNTY COMMISSIONERS OF WAHKIAKUM COUNTY, WASHINGTON**

George A. Trott, Chairman  
Daniel L. Cothorn, Commissioner  
Thomas M. Doumit, Commissioner

The Clerk called the roll and a quorum was present.

**OATH OF OFFICE**

Chief Justice Gerry Alexander administered the Oath of Office to the members. Sam S. Reed, Secretary of State certified that the Oaths of Office were administered and congratulated the members. The Certificates of Office were distributed to the members.

Secretary of State Sam Reed: "Thank you very much. It is indeed an honor to be here on the opening day of session. For many of you, this is day one of an entirely new chapter of your life. Do well, work hard, meet new friends, reach out for solutions to difficult problems and represent your constituents to the best of your ability. As your Secretary of State it is an honor to present to each of you your certificate of election. Cherish this paper because frankly you have worked mighty hard to get it. I have had the privilege to represent our nation a couple of times overseas as an election observer. One experience was in Uganda after what Idi Amin had done to destroy that nation. Everywhere I went around that country, when people found out I was an American, they grasped my hand with two hands and said "America, America". That is what this means and remember this heritage as you serve during this session. This is a short time in the history of human experience that we have had this concept of a representative democracy. Wear it well.

Thank you and congratulations."

## **RESOLUTION**

HOUSE RESOLUTION NO. 2003-4600, By Representatives Kessler and DeBolt

BE IT RESOLVED, By the House of Representatives of the State of Washington, That permanent Rules for the House of Representatives, Fifty-eighth Legislature, be adopted as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
FIFTY-EIGHTH LEGISLATURE  
2003-2004

### **HOUSE RULE NO.**

	Definitions
<b>Rule 1</b>	
<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Duties of Employees
<b>Rule 7</b>	Admission to the House
<b>Rule 8</b>	Absentees and Courtesy
<b>Rule 9</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 10</b>	Reading of Bills
<b>Rule 11</b>	Amendments



<b>Rule 12</b>	Final Passage
<b>Rule 13</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 14</b>	Daily Calendar and Order of Business
<b>Rule 15</b>	Motions
<b>Rule 16</b>	Members Right to Debate
<b>Rule 17</b>	Rules of Debate
<b>Rule 18</b>	Ending of Debate - Previous Question
<b>Rule 19</b>	Voting
<b>Rule 20</b>	Reconsideration
<b>Rule 21</b>	Call of the House
<b>Rule 22</b>	Appeal from Decision of Chair
<b>Rule 23</b>	Standing Committees
<b>Rule 24</b>	Duties of Committees
<b>Rule 25</b>	Standing Committees - Expenses - Subpoena Power
<b>Rule 26</b>	Vetoed Bills
<b>Rule 27</b>	Suspension of Compensation
<b>Rule 28</b>	Smoking
<b>Rule 29</b>	Parliamentary Rules
<b>Rule 30</b>	Standing Rules Amendment
<b>Rule 31</b>	Rules to Apply for Assembly
<b>Rule 32</b>	Legislative Mailings
<b>Rule 33</b>	Liquor

### **Definitions**

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

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

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

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

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

### **Chief Clerk to Call to Order**

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

### **Election of Officers**

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

### **Powers and Duties of the Speaker**

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

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

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

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

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

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

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

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

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

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

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

### **Chief Clerk**

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

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

### **Duties of Employees**

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

### **Admission to the House**

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

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

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

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

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

### **Absentees and Courtesy**

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

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

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

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

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

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

## **Reading of Bills**

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

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

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

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

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

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

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

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

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

(E) SUSPENSION CALENDAR. Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the

suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

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

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

### **Amendments**

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

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

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

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

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

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

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

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

### **Final Passage**

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

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

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

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

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

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

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

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

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

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

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

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

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

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### **Motions**

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

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

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

Privileged motions:

(1)

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

Subsidiary motions:

(2)

Question of consideration

First rank:

To lay on the table

Second rank:

For the previous question

Third rank:

To postpone to a day certain

Fourth rank:

To commit or recommit

To postpone indefinitely

To amend

Fifth rank:



Incidental motions:

(3)

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

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

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

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

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

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

### **Members Right to Debate**

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

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

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

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

### **Rules of Debate**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The previous question is not debatable and cannot be amended.

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

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

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

### **Voting**

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

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

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

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

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

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

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

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

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

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

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

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

### **Reconsideration**

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

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

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

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

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

### **Call of the House**

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

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

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

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

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

### **Appeal from Decision of Chair**

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

### **Standing Committees**

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

1. Agriculture & Natural Resources 13
2. Appropriations 27
3. Capital Budget 25
4. Children & Family Services 9
5. Commerce & Labor 9
6. Criminal Justice & Corrections 7
7. Education 11
8. Finance 9
9. Financial Institutions & Insurance 11
10. Fisheries, Ecology & Parks 9
11. Health Care 13
12. Higher Education 15
13. Judiciary 9
14. Juvenile Justice & Family Law 7
15. Local Government 11
16. Rules 19
17. State Government 9
18. Technology, Telecommunications & Energy 17
19. Trade & Economic Development 11
20. Transportation 29

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

### **Duties of Committees**

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

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That

when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report (~~and spread upon the journal~~). Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

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

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

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

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

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

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

**Standing Committees - Expenses - Subpoena Power**

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

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any

process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

### **Vetoed Bills**

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

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

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

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

### **Suspension of Compensation**

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

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

### **Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

### **Parliamentary Rules**

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

### **Standing Rules Amendment**

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

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

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

### **Legislative Mailings**

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

### **Liquor**

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

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and DeBolt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4600 was adopted.

## **ELECTION OF THE SPEAKER**

Representative Linville: "Madam Chief Clerk, it is an honor and a privilege to nominate Frank Chopp for Speaker of the Washington State House of Representatives.

I am supporting Frank because he is a man of experience, action and leadership for whom the phrase, "working together for one Washington" is not a hollow slogan, but a plan of action for our state. Frank grew up in Bremerton where he became a champion for hard working citizens and good jobs. As CEO of the Fremont Public Association, he has managed budgets, personnel and development and advocated for our state's most vulnerable citizens.

In 1996 he was elected to his first legislative leadership position. Frank has a track record of getting things done because he believes in action; whether it is preventing an enormous increase in unemployment insurance, enacting a patient's bill of rights, funding improvements to educational salaries and class size or passing agriculture and water packages to help our rural areas.

Frank has demonstrated the ability to work across party lines, geographic and economic divides and social and cultural differences. Frank's skills will serve us well as we enter this difficult session. This is a session where challenge and opportunity will go together to increase the public's confidence in the effectiveness of their government, to enhance the quality of life in our communities and to ensure a robust economy for our citizens.

Finally, Frank and I belong to the Croatian Caucus. Membership benefits include racing around a hall carrying a whole lamb that Frank roasted and learning ethnic dances that rival any aerobics program, if you can survive. Zivio Frank.

I ask the members of this body to join me in electing Representative Frank Chopp, Speaker of the House."

Representative Cox: "It is a privilege and honor to nominate Representative Cathy McMorris as Speaker of the House of Representatives.

My friend and colleague from the 7<sup>th</sup> District has the experience, the talent and the temperament to serve as a distinguished leader of this institution. During our recent reorganization, our caucus recognized in her a leader who not only is inclusive, thorough and thoughtful, but one who instinctively balances gentleness with people and firmness on issues. Today, she serves as the first woman, and among the youngest in our state's history, to lead either caucus in the House of Representatives. Regardless of how we vote, I would hope you would join me in congratulating her for the example she has set by choosing to make a difference in her community and our state.

These facts are a tribute to her leadership, but they are not the reason I stand here today to offer her name as a nominee for Speaker. While younger than most of us, Representative McMorris has served in this body now for a decade, after being a legislative assistant. She knows the needs of



staff, as well as members, and has a profound respect for both. She has experience bringing lawmakers together to reach resolution on critical and emotional issues in her years as committee chair and co-chair. And she brings a knowledgeable, fresh and visionary approach to decision-making.

I know personally the depth of Representative McMorris' motivation to make a positive difference in our state, and what she has sacrificed to take on this responsibility. She is poised to use her leadership abilities to accomplish a number of goals we can all agree are critical. Specifically, she is committed to enacting reforms that will preserve and create jobs for families. These jobs will enhance prosperity and improve the economy throughout Washington. She is also dedicated to restoring the people's trust in state government. And she will work with all members to serve our seniors, students and those who feel disenfranchised. Her example as a person and her success in achieving positive results through the legislative process demonstrate to young and old that every citizen can make a difference by serving with integrity, honesty and compassion.

Representative McMorris offers not only fresh leadership, but gives this institution a positive and hopeful spirit as we take on the enormous challenges of the session. I'm pleased to make this nomination and I ask you to support Cathy McMorris as Speaker of the House. "

### **POINT OF PERSONAL PRIVILEGE**

Representative McMorris: "Ladies and gentlemen of the House, I rise to respectfully withdraw my name for consideration as Speaker. As they say at the Academy Awards, it's an honor just to be nominated. Instead, I urge the body to give its support once again to Speaker Chopp."

### **MOTIONS**

Representative Kessler moved the nominations for the Office of Speaker of the House of Representatives be closed and the motion was carried.

Representative Kessler moved that the rules be suspended, and that by a voice vote of the House, Representative Frank Chopp be elected Speaker of the House of Representatives. The motion was carried.

Representative Linville escorted Speaker-elect Frank Chopp to the Rostrum. Chief Justice Alexander administered the Oath of Office to Speaker Chopp.

### **SPEAKER'S COMMENTS**

Speaker Chopp: "Thank you, Kelli. The people of the 42nd district are lucky to have you representing them. I appreciate your kind words. Thank you.

This is not only the first day of a new session. It is the first day of an entirely new set of dynamics in the Legislature, with new leadership and new ideas at the table.

I'd like to start off by congratulating one of these new leaders, the Republican leader: Cathy McMorris. We also have twenty new Representatives in the House. Last year we welcomed our new members to the People's House. This year let's welcome them to the People's Portable.

While I'm at it let me recognize my wife Nancy Long, and my Mom, Anne Brozovich Chopp.

As we start this session I am reminded of the Chinese proverb that says "the person who says it cannot be done should not interrupt the person doing it." As we move into this session, you are going to be surrounded by

doomsday predictions and long lists of tough choices. Despite all of that we need to keep our focus on getting the job done. And we will!

What you see as you look ahead to this session depends on what you look for. If you are looking for problems, they are there. But these are not problems without solutions. The work of this body is to choose the solutions that best serve the people of our state.

Finding our way to agreement on the best solutions will require all of us to think and behave differently. It means we can't waste time labeling solutions as Republican or Democrat. It means we can't assume that the ideas of new members take a back seat. It means we can't afford to rehash the past and let the future slip out of view. It means we must all Work Together for One Washington.

We are all here to provide the citizens of this state with the most effective and efficient government. And we all want to increase jobs and business development opportunities. Now, certainly, the details about how we do these things get complicated, but today, let's not forget that we are all here for these same results.

About the economy: One way to improve the lives of our people is to provide leadership for our economy. Democrats and Republicans, the House, the Senate and the Governor all agree that we need to continue the work we have started on the recommendations of the Governor's Competitiveness Council. Last session, we passed several pieces of legislation. Already we have created one of the best worker-retraining programs in the nation. This is critical since a well-honed economy depends on a well-trained workforce that matches the needs of employers. As we make progress on the Council's recommendations for improving education and transportation and removing obstacles to economic development it is important not to forget all the things about Washington state that have made it home to some of the world's greatest businesses.

1. Washington is the leading state in the nation in the creation of new companies.
2. And we're in the top ten of all states in the Small Business Survival Index for 2002.
3. We're one of the nation's five top centers for biotechnology companies.
4. In our state, we have the second leading high tech capital in the United States!
5. We're fourth in exports.
6. In our tremendously productive agricultural industry, Washington state has been declared by the International Wine Spectator magazine as the wine region of the year. Guess what, we're the best in the world!
7. Close to home and also of great importance, Washington has the highest proportion of residents with high school diplomas, in the nation.

That's what we should be telling people about doing business in Washington state.

We need to be sure that the conditions that led to the development of Microsoft, Starbucks, Nordstrom, and Costco – and many, many smaller businesses – are maintained and enhanced. We are pleased to see an extension of some unemployment benefits at the federal level. But unemployment benefits can never match the benefits of employment. We need more jobs that pay a wage that allow people to live long and prosper.

As we work to improve the business climate, we must remember the workers who are weathering this economic storm. And we will!

About education: It is important not to let short term thinking harm the long term future of our schools. We should be tremendously proud of what Washington's teachers and schools are doing to improve education. And we are! We must not reverse this progress! We are seeing rising test scores, and parents, teachers, administrators and school employees are pulling together to make our schools better. It is possible to make progress in education, despite our budget problems.

For example, we should consider the proposal made by former Governors Dan Evans and Booth Gardner to build the schools and colleges that tomorrow's students will need. We often talk about stretching our tax dollars. Well, one way to do it is to take advantage of the lowest interest rates in 30 years!

About the budget: When we address this challenge part of the solution is obvious:

1. Find innovative ways to squeeze more value out of every tax dollar.
2. Cut back programs that are a low priority.
3. Search out opportunities to consolidate programs.
4. Use state revenues to leverage federal dollars.

The truth is, there are many ways we can improve the lives of Washington's people without increasing state spending. For example, prescription drug reform is one thing we can do for our budget and for our citizens.

But even if we do all these things and seize every possible opportunity to provide state services faster, better, and cheaper – we will still face difficult budget cuts and deferrals of important programs.

As we look at the margins of our budget, let us remember those who live at the margins of our society:

1. the disabled,
2. the mentally ill

3. the homeless families,
4. the elderly living in home and nursing care.

As members of this House, we have a fundamental and moral responsibility to our fellow members of humanity.

So, as we re-examine the core functions of government, we must remember the heart of government.

There are some who say the voters rejected the recent gas tax proposal because they don't trust government. And there's some truth to that. That's why we should make our next steps in transportation a showcase of how to build trust in government.

Our transportation committee intends to start with legislation to make our Department of Transportation more accountable, more efficient, and more responsive to what the public wants.

And let's not forget that we are making some progress in transportation. For example, we are building one of the largest and most important transportation projects in state history – the second Tacoma Narrows Bridge. And we did it with public financing, and with public control, saving hundreds of millions of dollars over time. This project will improve capacity, benefit the economy, and save lives.

As we work together to further address our transportation challenges and all of the challenges facing us, let us try to find a clear vision through our windshield, not just the rear view mirror.

It takes creativity and hard work to see things as they are but still believe that you can work for positive change. Our choice is, as a Ziggy cartoon once said, "You can complain because roses have thorns, or you can rejoice because thorns have roses."

Let's get to work!"

### **POINT OF PERSONAL PRIVILEGE**

Representative McMorris: "Thank you Mr. Speaker. I would like to extend my congratulations. I would like to pledge to our friends across the aisle, to you personally, Mr. Speaker, and to the citizens of the State that this caucus – the House Republicans – intends to be proactively involved in the problem-solving necessary to put our State back on track.

We have identified two goal for the upcoming session: One, we want to create jobs for our families and two, restore the people's trust in state government.

Our State is in crisis. Our unemployment is among the highest in the nation. Families are hurting and unable to find work. Our health care costs are rising while the options available for families to find care have diminished. And the citizens have told us that they don't trust government enough yet to spend an additional nine cents at the gas pump to help get them out of traffic.

And yet, I stand here to convey a message of hope and confidence in our ability to address the needs of families. Why? Because I believe it is in times of crisis that our common ground comes more clearly into focus.

I come from the heart of northeastern Washington and I've worked, I've attended school and I've traveled all across this State. I see more similarities than differences in the issues that families everywhere are facing. They want job security, improved quality of life, the best education possible for their kids, prosperity, safe neighborhoods and healthy families. We want to reach out, address issues that matter most and solve problems.

Above all, we have to be honest about these issues. We have to be straightforward in our approach – with each other and with the citizens. We need a genuine dialogue advantage. We must make positive and meaningful changes in the everyday lives of the people of this State.

Let's show the citizens we are worthy of their trust and that we are capable of doing the job they sent us here to do. We can create incredible momentum toward positive change and a return to prosperity.

Thank you."

### **ELECTION OF SPEAKER PRO TEMPORE**

Representative Kagi: "Thank you, Mr. Speaker. I am very honored to nominate Representative John Lovick as Speaker Pro Tempore this afternoon. For four years serving in this body and for twenty nine years serving as a state patrolman, John has demonstrated that he is a man of character and of great integrity. He has also demonstrated tremendous respect for this institution and

for the decorum of the House. When he gave a speech from the floor of the House four years ago when he was sworn in, John gave us a picture of why he holds this body in particular regard. He spoke of going to the polls in Louisiana with his grandmother many years ago and watching his grandmother pay a poll tax. It was an amazing statement of where we have been and how far we have come. His grandmother is here today. It is wonderful that John's grandmother and family can be here to celebrate this historic swearing in.

John Lovick brings a very rich history to the Speaker Pro Tem position but most of all he inspires the best of us by setting a high standard of civil discourse and of mutual respect. He represents the best this country has to offer and I am very honored to place his name in nomination.”

## MOTIONS

Representative Kessler moved that the nominations for the Office of Speaker Pro Tempore of the House of Representatives be closed. The motion carried.

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

Representative Kagi escorted Speaker Pro Tempore Lovick to the Rostrum. Chief Justice Alexander administered the Oath of Office to Speaker Pro Tempore Lovick.

## SPEAKER PRO TEMPORE COMMENTS

Speaker Pro Tempore John Lovick: "Speaker Chopp, Representative McMorris, Chief Clerk. Thank you colleagues for this honor today. I am truly honored. I would also thank my predecessor Representative Val Ogden. I know we will all dearly miss her.

I would like to thank a few people. My grandmother, who is here today, used to tell me when I was kid that behind every man is a good woman. In this case, there are three great women behind me. First of all, I would like introduce my wife Karen. We have five kids and one point five grandchildren. Second, I would also like to thank Mrs. Hazel Gershowitz. Hazel's husband was my commander in the Coast Guard. She has played the most vital role in my life; she took me into her home many years ago when I came to Washington from Louisiana. I cannot tell you the great things she has done for me. Thank you Hazel for all you have contributed to my life.

And lastly, my special guest, my grandmother, Elsie Lee Lovick. I watched with great amazement as my grandmother raised me from the day I was born until I left and joined the Coast Guard in 1968. And I have to tell you, Grandmother, I know you paid a tremendous price for the privileges and honors I receive today. I want you to know that you have always been the wind beneath my wings and you are my hero. Everything I am and all that I will be in my life is because of you. Thank you so very much.

I want to tell you my grandmother brought us threw some very tough times. We are facing some tough times this session. Maybe the worst in two decades. After a long period of economic expansion we have a huge budget shortfall and one of the highest unemployment rates in the nation. As we consider what to do with our State budget, our education system, our health care programs and social services, let us remember Hubert Humphrey's words. Hubert Humphrey died twenty five years ago today. Humphrey once said 'let the moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly and those who are in the shadow of life, the sick, the needy and the handicapped.' Each and everyone of us want the same things that my grandmother worked hard for all of these years – a better life for our families. As we begin this session we must remember that it is indeed our job to help individuals and families make a better life for future generations.

Thank you very much and may God bless you and may God continue to bless America."

## ELECTION OF CHIEF CLERK

Representative Kenney: "Thank you, Mr. Speaker. It gives me great pleasure to nominate Cindy Zehnder as Chief Clerk of the Washington State House of Representatives.

The Chief Clerk plays an important role in the successful operations of the House of Representatives. Responsibilities include administrative and committee support, staff, budget, security and facilities. Cindy brings unique capabilities to this role, having served as co-Chief Clerk and then Chief Clerk. She has proven abilities in the development and implementation of policy, extensive negotiation experience in both the public and private sectors with an in-depth knowledge of media and public relations. Her skills in strategic planning, information technology and quality improvement are positive contributions.

Cindy has demonstrated her leadership skill in working with diverse groups and individuals, especially this group—all 98 of us—which in itself can be a challenge. I had the pleasure of meeting Cindy in our other lives (a number of years ago) and I always admired her ability to stay cool under pressure (not that there is any pressure in this job) and also her ability to listen and work together with others to find solutions to the issue at hand.

Cindy's great laugh and sense of humor remind us not only that laughter is good for the soul, but there are times we shouldn't take ourselves too seriously. She has been a great Chief Clerk and I am proud to support the nomination of Cindy Zehnder as Chief Clerk of the House and I hope you will, too!

Thank you."

Representative Kessler moved the nominations for Chief Clerk of the House of Representatives be closed. The motion carried.

Representative Kessler moved that the rules be suspended and that by a voice vote, Cynthia Zehnder be elected as Chief Clerk of the House of Representatives. The motion carried.

Representative Kenney escorted Cynthia Zehnder to the Rostrum. Chief Justice Alexander administered the Oath of Office to Cynthia Zehnder.

### **CHIEF CLERK'S COMMENTS**

Chief Clerk Zehnder: "Thank you. And thank you Representative Kenney and Chief Justice Alexander.

Mr. Speaker, Representative McMorris, Members of the House – thank you for the honor of serving as your Chief Clerk.

I would like to acknowledge, if I may Mr. Speaker, the wonderful staff of the House of Representatives whose hard work and dedication have made it possible for all of us to succeed. In particular, I would like to thank our Deputy Chief Clerk, Bill Wegeleben, and our Facilities Director, Sharon Hayward, whose tireless efforts and endless goodwill make it look so easy.

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

Thank you."

The Speaker thanked Chief Justice Alexander for administering the oaths of office and requested Representatives Delvin and Eickmeyer escort the Chief Justice from the Chamber.

### **RESOLUTION**

HOUSE RESOLUTION NO. 2003-4601, By Representatives Kessler and DeBolt

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

Representative Kessler moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4601 was adopted.

The Speaker appointed a special committee to notify the Senate the House was organized and ready to do business: Representatives Darneille, Holmquist, Rockefeller and Talcott.

### **INTRODUCTION & FIRST READING**

HB 1000 by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon

AN ACT Relating to metropolitan municipal corporations; and amending RCW 35.58.320.,

Referred to Committee on Local Government.

HB 1001 by Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Veloria, O'Brien, Kenney, Campbell, Nixon and Darneille

AN ACT Relating to voyeurism; amending RCW 9A.44.115 and 9A.04.080; and prescribing penalties.,

Referred to Committee on Judiciary.

HB 1002 by Representatives Hunt, Berkey, Cooper, Romero, Linville, Chase, Kagi, Wood, Simpson, Morrell, Rockefeller, Ruderman, Fromhold, Dickerson, Conway, Kessler, Cody, Jarrett, Veloria, O'Brien, Campbell, McDermott, Clibborn, Sullivan, Nixon, McIntire, Lantz, Moeller and Hudgins

AN ACT Relating to mercury reduction and education; adding a new chapter to Title 70 RCW; and prescribing penalties.,

Referred to Committee on Fisheries, Ecology & Parks.

HB 1003 by Representatives Morris, Linville, Wood, Anderson, Conway, O'Brien, Kenney and Sullivan

AN ACT Relating to investing in technology and biotechnical research and technology transfer; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.20 RCW; and adding a new chapter to Title 70 RCW.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1004 by Representatives Morris and Sullivan

AN ACT Relating to energy; amending RCW 82.16.020, 82.16.050, 82.16.053, 82.16.055, and 35.21.870; adding a new section to chapter 82.16 RCW; repealing RCW 82.12.022 and 82.14.230; providing an effective date; and declaring an emergency.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1005 by Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan

AN ACT Relating to the joint task force on long-term energy supply; amending RCW 43.21F.015 and 43.21F.090; creating new sections; and providing an expiration date.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1006 by Representatives Morris and Sullivan

AN ACT Relating to utility relocation costs; and amending RCW 81.112.100.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1007 by Representatives Morris, Linville, Conway, Sullivan and Upthegrove

AN ACT Relating to a permitting bill of rights; and adding a new section to chapter 1.20 RCW.,

Referred to Committee on State Government.

HB 1008 by Representatives Morris, Dickerson, Kagi, Conway, Lovick, Linville, Chase, Anderson, O'Brien, Kenney and McDermott

AN ACT Relating to the creation of a license plate emblem to benefit orca whale research; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.300 RCW; and creating a new section.,

Referred to Committee on Transportation.

HB 1009 by Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick

AN ACT Relating to video and computer games depicting violence against public law enforcement officers; adding a new section to chapter 9.91 RCW; creating a new section; and prescribing penalties.,

Referred to Committee on Juvenile Justice & Family Law.

HB 1010 by Representatives Dickerson, Delvin, Kenney, Sullivan and Darneille

AN ACT Relating to discharge of a minor from a mental health facility; and amending RCW 71.34.046.,

Referred to Committee on Juvenile Justice & Family Law.

HB 1011 by Representatives Bush, O'Brien, Armstrong, Chase, Mielke, Delvin, Hunt, Quall, Boldt, Pearson, Sump, Miloscia, Cox, Ruderman, Roach, Lovick, Schindler, Shabro, Woods, Buck, Benson, McMahan, Schoesler, Schual-Berke, Talcott, Anderson, Kagi, Rockefeller, Condotta, Conway, Alexander, Kenney, Campbell, Sullivan and Nixon

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.,

Referred to Committee on Judiciary.

HB 1012 by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway

AN ACT Relating to residential landlord-tenant relationships; and amending RCW 59.18.060 and 4.28.080.,

Referred to Committee on Judiciary.

HB 1013 by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan

AN ACT Relating to the utilities and transportation commission; creating new sections; providing an effective date; and declaring an emergency.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1014 by Representatives Nixon, Anderson and Mielke

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

Referred to Committee on State Government.

HB 1015 by Representatives Nixon and Woods

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding a new section to chapter 47.38 RCW; and creating a new section.,

Referred to Committee on Transportation.

HB 1016 by Representative Nixon

AN ACT Relating to the revocation of juvenile driving privileges; amending RCW 9A.56.030, 9A.56.040, and 9A.56.070; and adding a new section to chapter 46.20 RCW.,

Referred to Committee on Juvenile Justice & Family Law.

HB 1017 by Representatives Nixon, Kagi, Wood, Anderson, Ruderman, Sullivan and Lantz

AN ACT Relating to covering loads of dirt, sand, and gravel; and amending RCW 46.61.655.,

Referred to Committee on Transportation.

HB 1018 by Representatives Nixon and O'Brien

AN ACT Relating to use tax on motor homes; and amending RCW 82.12.0251.,

Referred to Committee on Finance.

HB 1019 by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove

AN ACT Relating to protection of identification of persons who pay tolls electronically; and reenacting and amending RCW 42.17.310.,

Referred to Committee on State Government.

HB 1020 by Representative Nixon

AN ACT Relating to perfecting certain time periods under chapter 50.32 RCW; and adding a new section to chapter 50.32 RCW.,

Referred to Committee on Commerce & Labor.

HB 1021 by Representatives Nixon and Mielke

AN ACT Relating to inspection of political candidates' contributions and expenditures; and amending RCW 42.17.080.,



Referred to Committee on State Government.

HB 1022 by Representative Nixon

AN ACT Relating to establishing prosecutors pro tem; adding a new section to chapter 36.27 RCW; and creating a new section.,

Referred to Committee on Judiciary.

HB 1023 by Representatives Nixon and Anderson

AN ACT Relating to interest and penalties on delinquent property taxes; and amending RCW 84.56.020.,

Referred to Committee on Finance.

HB 1024 by Representative Nixon

AN ACT Relating to waterbody-specific recreational fishing rules; and amending RCW 77.08.010, 77.04.090, and 77.12.047.,

Referred to Committee on Fisheries, Ecology & Parks.

HB 1025 by Representatives Nixon, Wood and Mielke

AN ACT Relating to hunting and fishing; amending RCW 77.32.070, 77.15.070, 77.15.140, 77.15.170, 77.15.230, 77.15.280, 77.15.380, 77.15.390, 77.15.400, 77.15.430, and 77.15.440; adding a new section to chapter 77.32 RCW; creating a new section; and prescribing penalties.,

Referred to Committee on Fisheries, Ecology & Parks.

HB 1026 by Representatives Nixon, Mielke, Schindler and Woods

AN ACT Relating to the privatization of the state's retail and wholesale liquor sales; amending RCW 66.04.010, 66.08.020, 66.08.050, 66.08.150, 66.24.010, 66.16.010, 66.16.040, 66.16.060, 66.16.070, 66.16.080, 66.16.100, 66.16.110, 66.20.010, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.44.150, 66.24.440, 66.24.540, 66.24.410, 66.08.030, 66.12.110, and 66.12.120; adding a new chapter to Title 66 RCW; creating a new section; repealing RCW 66.16.030 and 66.16.090; and providing an effective date.,

Referred to Committee on Commerce & Labor.

HB 1027 by Representative Nixon

AN ACT Relating to services available to WorkFirst recipients; and amending RCW 74.08A.290.,

Referred to Committee on Children & Family Services.

HB 1028 by Representatives Dickerson, Delvin, Kagi, O'Brien, Kenney and Upthegrove

AN ACT Relating to a study by the institute for public policy to create a system to encourage investment in proven intervention and prevention programs for at-risk youth; creating a new section; providing an effective date; and declaring an emergency.,

Referred to Committee on Juvenile Justice & Family Law.

HB 1029 by Representatives McDonald, Simpson, Pearson, Condotta, Mielke, Shabro, O'Brien, Bush, Sump, Campbell and Woods

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381 and 84.36.383; and creating a new section.,

Referred to Committee on Finance.

HB 1030 by Representatives McDonald, Pearson, Shabro, Bush, Nixon and Woods

AN ACT Relating to voyeurism; amending RCW 9A.44.115 and 9A.04.080; and prescribing penalties.,

Referred to Committee on Judiciary.

HB 1031 by Representatives Lovick, O'Brien, Sullivan and Lantz

AN ACT Relating to payment of traffic infraction and misdemeanor penalties; amending RCW 46.64.025; and reenacting and amending RCW 46.63.110.,

Referred to Committee on Judiciary.

HB 1032 by Representatives Veloria, Eickmeyer, Linville, Chase, Hatfield, Fromhold, McCoy, Conway, Kessler, Cody, Jarrett, Murray, Kenney, Schual-Berke, Clibborn, Lovick, Upthegrove and McIntire; by request of Governor Locke

AN ACT Relating to funding for the community economic revitalization board; amending 2002 c 242 s 1 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 43.84 RCW; and providing an effective date.,

Referred to Committee on Trade & Economic Development.

HB 1033 by Representatives Kirby, Cooper, Sullivan and Lantz

AN ACT Relating to clarifying the restrictions concerning occupational licenses; and reenacting and amending RCW 46.20.391.,

Referred to Committee on Judiciary.

HB 1034 by Representatives Morris, Linville, Anderson, Mielke, Conway, Kenney, Haigh, Sullivan and Upthegrove

AN ACT Relating to technology product development incentives; amending RCW 82.63.005, 82.04.4452, 82.63.020, and 82.63.030; adding new sections to chapter 43.131 RCW; providing an effective date; and declaring an emergency.,

Referred to Committee on Technology, Telecommunications & Energy.

HB 1035 by Representatives Morris, Linville, Simpson, Anderson, O'Brien, Haigh, Sullivan and Hudgins

AN ACT Relating to authorizing a business and occupation tax credit for corporations establishing headquarters in this state; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.,

Referred to Committee on Trade & Economic Development.

HB 1036 by Representatives Hatfield, Woods, Simpson, Cooper, Rockefeller and Mielke

AN ACT Relating to department of licensing agent and subagent provisions; and amending RCW 46.01.230.,

Referred to Committee on Transportation.

HB 1037 by Representatives Gombosky, Cairnes, Linville, Wood, Mielke, Sullivan and Nixon

AN ACT Relating to exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises; and amending RCW 82.19.050.,

Referred to Committee on Finance.

HB 1038 by Representatives Simpson, Cooper, Chase, O'Brien and Upthegrove

AN ACT Relating to insurance for victims of malicious harassment; amending RCW 49.60.030; and adding a new section to chapter 48.30 RCW.,

Referred to Committee on Financial Institutions & Insurance.

HB 1039 by Representatives Simpson and Chase

AN ACT Relating to vesting of short subdivisions; amending RCW 58.17.033; providing an effective date; and declaring an emergency.,

Referred to Committee on Local Government.

HB 1040 by Representatives O'Brien, Schoesler, Dickerson, Chandler, Kagi, Talcott, Kenney, Morris, Veloria, Chase, Rockefeller, Benson, Campbell, Sullivan and Darneille

AN ACT Relating to removing the statute of limitations on childhood sexual abuse civil cases; and amending RCW 4.16.340.,

Referred to Committee on Judiciary.

HJM 4000 by Representatives Morris, Kenney, Conway, Lovick, Linville, Anderson and O'Brien

Supporting regional infrastructure security.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4001 by Representatives Nixon, Mielke, Benson and Woods

Requesting a federal waiver to allow private rest areas.

Referred to Committee on Transportation.

HJM 4002 by Representative Nixon

Requesting the supreme court to allow the legislature to appropriate the funds it deems necessary for criminal defense assistance.

Referred to Committee on Judiciary.

HJM 4003 by Representatives Wallace, Morris, Kenney, Conway, Eickmeyer, Linville and Wood

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Technology, Telecommunications & Energy.

HCR 4400 by Representatives Kessler and DeBolt

Notifying the Governor that the Legislature is organized.

HCR 4401 by Representatives Kessler and DeBolt

Calling Joint Sessions of the Legislature.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Kessler and DeBolt**

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

The concurrent resolution was read the second time.

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

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

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

HOUSE CONCURRENT RESOLUTION NO. 4400 was declared adopted.

The Speaker appointed a special committee to join with a special committee from the Senate to notify the Governor the Legislature was organized and ready to do business: Representatives Ruderman and Roach.

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

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4401 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Kessler and DeBolt**

**Calling Joint Sessions of the Legislature.**

The concurrent resolution was read the second time.

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

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

Speaker Chopp stated the question before the House to be the final adoption of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was declared adopted.

The Sergeant at Arms notified the Speaker a delegation from the Senate was at the door and requesting admission to the House. The Speaker requested the Sergeant at Arms admit the Senate delegation and escort them to the bar of the House. Senators Ken Jacobsen, Dave Schmidt, Mark Doumit, Luke Esser, Aaron Reardon and Joyce Mulliken addressed the Chamber. The Sergeant at Arms escorted the Senate delegation out of the Chamber.

The Sergeant at Arms announced the House delegation to the Senate had returned. The Speaker requested they be escorted to the Rostrum. Representatives Talcott, Darneille, Holmquist and Rockefeller reported to the House.

#### **MESSAGE FROM THE SENATE**

January 13, 2003

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

#### **INTRODUCTION & FIRST READING**

SCR 8400 by Senators West and Brown

Establishing cutoff dates for the 2003 regular session.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8400 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

#### **SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8400, By Senators West and Brown**

**Establishing cutoff dates for the 2003 regular session.**

The concurrent resolution was read the second time.

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

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

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

SENATE CONCURRENT RESOLUTION NO. 8400 was declared adopted.

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

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

### MESSAGES FROM THE SENATE

January 13, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

Milt H. Doumit, Secretary

January 13, 2003

Mr. Speaker:

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

Milt H. Doumit, Secretary

The Sergeant at Arms announced the House delegation to the Governor's had returned. The Speaker requested they be escorted to the Rostrum. Representatives Ruderman and Roach reported to the House.

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

### COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

**Agriculture & Natural Resources (13)** -- Linville, Chair; Rockefeller, Vice Chair; \*Schoesler; \*\*Holmquist; \*\*Kristiansen; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall; Sump

**Appropriations (27)** -- Sommers, Chair; Fromhold, Vice Chair; \*Sehlin; \*\*Pearson; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump; Talcott

**Capital Budget (25)** -- Dunshee, Chair; Hunt, Vice Chair; \*Alexander; \*\*Priest; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria; Woods

**Children & Family Services (9)** -- Kagi, Chair; Darneille, Vice Chair; \*Boldt; \*\*Roach; Bailey; Dickerson; Miloscia; Pettigrew; Shabro

**Commerce & Labor (9)** -- Conway, Chair; Wood, Vice Chair; \*Chandler; \*\*Condotta; Crouse; Holmquist; Hudgins; Kenney; McCoy

**Criminal Justice & Corrections (7)** -- O'Brien, Chair; Darneille, Vice Chair; \*Mielke; \*\*Ahern; Kagi; Lovick; Pearson

**Education (11)** -- Quall, Chair; McDermott, Vice Chair; \*Talcott; \*\*Tom; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller; Santos

**Finance (9)** -- Gombosky, Chair; McIntire, Vice Chair; \*Cairnes; \*\*Orcutt; Ahern; Conway; Morris; Roach; Santos

**Financial Institutions & Insurance (11)** -- Schual-Berke, Chair; Simpson, Vice Chair; \*Benson; \*\*Newhouse; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach; Santos

**Fisheries, Ecology & Parks (9)** -- Cooper, Chair; Berkey, Vice Chair; \*Sump; \*\*Hinkle; Buck; Hatfield; O'Brien; Pearson; Upthegrove

**Health Care (13)** -- Cody, Chair; Morrell, Vice Chair; \*Pflug; \*\*Bailey; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke; Skinner

**Higher Education (15)** -- Kenney, Chair; Fromhold, Vice Chair; \*Cox; \*\*Priest; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy; Morrell

**Judiciary (9)** -- Lantz, Chair; Moeller, Vice Chair; \*Carrell; \*\*McMahan; Campbell; Flannigan; Kirby; Lovick; Newhouse

**Juvenile Justice & Family Law (7)** -- Dickerson, Chair; Pettigrew, Vice Chair; \*Delvin; Carrell; Eickmeyer; Hinkle; Upthegrove

**Local Government (11)** -- Romero, Chair; Upthegrove, Vice Chair; \*Schindler; \*\*Jarrett; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke; Moeller

**Rules (19)** -- Chopp, Chair; \*McMorris; Bush; Clements; DeBolt; Eickmeyer; Grant; Haigh; Hatfield; Hunt; Jarrett; Kessler; Kirby; Lovick; McDonald; Pearson; Ruderman; Santos; Woods

**State Government (9)** -- Haigh, Chair; Miloscia, Vice Chair; \*Armstrong; \*\*Shabro; Hunt; McDermott; Nixon; Tom; Wallace

**Technology, Telecommunications & Energy (17)** -- Morris, Chair; Ruderman, Vice Chair; Sullivan, Vice Chair; \*Crouse; \*\*Nixon; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Tom; Wallace; Wood

**Trade & Economic Development (11)** -- Veloria, Chair; Eickmeyer, Vice Chair; \*Skinner; \*\*McDonald; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew; Priest

**Transportation (29)** -- Murray, Chair; Simpson, Vice Chair; Rockefeller, Vice Chair; \*Ericksen; \*\*Jarrett; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Sullivan; Wallace; Wood; Woods

\* Ranking Minority Member

\*\* Asst. Ranking Minority Member

The Sergeant of Arms reported that the delegation from the Governor's had returned with a message.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 14, 2003, the 2<sup>nd</sup> Day of the Regular Session. Members are requested to assemble at 3:30 p.m. at the

Worthington Center, St. Martin's College, Lacey for Joint Session. The purpose is to receive the Governor's State of the State address.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
**JOURNAL OF THE HOUSE**

**FIRST DAY, JANUARY 13, 2003**

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SECOND DAY**

---

House Chamber, Olympia, Tuesday, January 13, 2003

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

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

**MESSAGE FROM THE SENATE**

January 13, 2003

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**INTRODUCTION & FIRST READING**

HB 1041 by Representatives Lantz, Kagi, Conway, Chase, Kirby, Dickerson, Kenney, Campbell, Talcott, Skinner and Jarrett

AN ACT Relating to mental health advance directives; amending RCW 11.94.010 and 7.70.065; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 11.94 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 9A.60 RCW; adding a new chapter to Title 71 RCW; prescribing penalties; providing an effective date; and providing an expiration date.,

Referred to Committee on Judiciary.

HB 1042 by Representatives McMahan, Talcott, Mielke, McDonald, Hinkle, Benson, Carrell, Cox and Holmquist

AN ACT Relating to increasing certain business and occupation tax credit, exemption, and filing threshold amounts; and amending RCW 82.04.4451, 82.16.040, and 82.32.045.,

Referred to Committee on Finance.



HB 1043 by Representatives McMahan, Talcott, Mielke, Benson, Hinkle, McDonald, Cox, Holmquist, Bush and Schoesler

AN ACT Relating to state mandates on school districts; and adding a new section to chapter 28A.150 RCW.,

Referred to Committee on Education.

HB 1044 by Representatives McMahan, Benson, Hinkle, Carrell, Mielke, McDonald, Cox, Holmquist and Simpson

AN ACT Relating to providing tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381; and creating a new section.,

Referred to Committee on Finance.

HB 1045 by Representatives Miloscia, Chandler and Upthegrove

AN ACT Relating to water-sewer district bidding provisions; and amending RCW 57.08.050.,

Referred to Committee on Local Government.

HB 1046 by Representatives Miloscia, Chandler and Upthegrove

AN ACT Relating to the sale of property by water-sewer districts; and amending RCW 57.08.016.,

Referred to Committee on Local Government.

HB 1047 by Representatives Miloscia, Bush and Dunshee

AN ACT Relating to assumptions of water-sewer districts by cities and towns; adding a new section to chapter 36.93 RCW; and adding new sections to chapter 35.13A RCW.,

Referred to Committee on Local Government.

HB 1048 by Representative Cooper

AN ACT Relating to the state building code; and amending RCW 19.27.031.,

Referred to Committee on Local Government.

HB 1049 by Representatives Sullivan, Nixon, Campbell and Pflug

AN ACT Relating to sales and use tax exemptions for medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.,

Referred to Committee on Finance.

HB 1050 by Representatives Nixon and Anderson

AN ACT Relating to operation of a vehicle, railroad, street car, vessel, or aircraft involved in a fatality; amending RCW 46.61.506; and adding a new section to chapter 10.58 RCW.,

Referred to Committee on Judiciary.

HB 1051 by Representative Nixon

AN ACT Relating to protecting persons who provide volunteer emergency care; and amending RCW 4.24.300.,

Referred to Committee on Judiciary.

HB 1052 by Representative Nixon

AN ACT Relating to protecting persons who provide volunteer emergency services; and adding a new section to chapter 4.24 RCW.,

Referred to Committee on Judiciary.

HB 1053 by Representatives Miloscia, Armstrong, Haigh, Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Veloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell

AN ACT Relating to government accountability; adding new sections to chapter 43.41 RCW; adding a new section to chapter 43.09 RCW; and creating a new section.,

Referred to Committee on State Government.

HB 1054 by Representatives Dickerson, Skinner, Romero, Haigh, O'Brien, Kenney, Darneille, Kagi, Clements, Sommers, Chase, Miloscia, McDermott, Kirby, Schual-Berke, Lovick and Kessler

AN ACT Relating to duty of clergy to report child abuse or neglect; and reenacting and amending RCW 26.44.030.,

Referred to Committee on Children & Family Services.

HB 1055 by Representatives O'Brien, Nixon, Hunt, Romero, Clements, Mielke, Simpson, Cairnes, Sullivan, Chase, Veloria, Bush, Darneille and Kessler

AN ACT Relating to body-gripping traps; and amending RCW 77.15.192 and 77.15.194.,

Referred to Committee on Fisheries, Ecology & Parks.

HB 1056 by Representatives Simpson and Campbell

AN ACT Relating to notifying home buyers of where information regarding registered sex offenders may be obtained; adding a new section to chapter 19.149 RCW; adding a new section to chapter 64.06 RCW; and creating a new section.,

Referred to Committee on Financial Institutions & Insurance.

HB 1057 by Representatives Hatfield, Buck, Blake and Kessler

AN ACT Relating to commercial fishing violations; amending RCW 77.15.700; adding new sections to chapter 77.15 RCW; and creating a new section.,

Referred to Committee on Fisheries, Ecology & Parks.

HB 1058 by Representatives Kagi, Boldt, McIntire, Nixon, Dickerson, Fromhold, O'Brien, Lantz, Linville, Kenney, Kessler, Clibborn, Talcott, Simpson and Wood

AN ACT Relating to educational attainment of children in foster care; adding new sections to chapter 74.15 RCW; and creating a new section.,

Referred to Committee on Children & Family Services.

HB 1059 by Representatives Veloria, Sump, Grant and Clements

AN ACT Relating to the creation of a joint legislative oversight committee on trade policy; adding a new chapter to Title 44 RCW; and declaring an emergency.,

Referred to Committee on Trade & Economic Development.

HB 1060 by Representatives Veloria, Kenney, Conway, Cox, Hunt, Clements, Morrell, Kessler, Simpson, Wood and Berkey

AN ACT Relating to making related and supplemental educational instruction for apprentices graded courses at community and technical colleges; amending RCW 28B.50.880 and 28B.15.069; and reenacting and amending RCW 28B.15.515.,

Referred to Committee on Higher Education.

HB 1061 by Representatives Veloria, Kenney, Conway, Cox, Hunt, Clements, Morrell, Campbell, Kessler, Simpson, Wood and Berkey

AN ACT Relating to creating associate degree pathways for apprentices; adding a new section to chapter 49.04 RCW; adding a new section to chapter 28B.50 RCW; and creating a new section.,

Referred to Committee on Higher Education.

HJM 4004 by Representatives Nixon, Campbell, Bush, Kessler, Talcott and Simpson

Requesting Congress to restore the federal income tax deduction for state and local sales taxes.

Referred to Committee on Finance.

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

The House recessed until 3:30 p.m. at which time the House and Senate came together in Joint Session for the purpose of hearing the Governor's State of the State address at Worthington Hall, St. Martin's College, Lacey.

### **JOINT SESSION**

The President of the Senate, Lieutenant Governor Brad Owen called the Joint Session to order. Members were requested to take seats.

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

The President appointed a special committee to escort the Supreme Court Justices to seats within the hall: Representatives Mike Carrell, Judy Clibborn, Lois McMahan and Eric Pettigrew, and Senators Stephen Johnson, Adam Kline, Larry Sheahan and Pat Thibaudeau.

The President appointed a special committee to escort the Statewide Elected Officials to seats within the hall: Representatives Mike Armstrong, Ross Hunter, Dawn Morrell and Jan Shabro, and Senators Tracey Eide, Patricia Hale, Jim Horn and Harriet Spanel.

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session had been assembled and to escort him to the hall: Representatives John McCoy and Dan Newhouse, and Senators Bob Oke and Rosa Franklin.

The Sergeant at Arms announced that the Supreme Court Justices had arrived. The President requested that the Justices be escorted to their seats and introduced them to the hall: Chief Justice Gerry Alexander, Associate Chief Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe Bridge, Justice Tom Chambers, Justice Susan Owens and Justice Mary Fairhurst.

The Sergeant at Arms announced that the Statewide Elected Officials had arrived. The President requested that the Statewide Elected Officials be escorted to their seats and introduced them to the hall: Secretary of State Sam Reed, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Doug Sutherland.

The President introduced the officers and members of the Consular Association of Washington: Len Reid, Consul of Australia; H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Ricardo Antezana, Consul of Bolivia; Daravuth Huoth, Consul of Cambodia; Roger Simmons, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Vassos M. Demetriou, Consul of Cyprus; Mart Kask, Consul of Estonia; Jack A. Cowan, Consul of France; Christian Seifert, Consul of Germany; Jon Marvin Jonsson, Consul General of Iceland; Yoshihara Araki, Senior Consul of Japan; Moon, Byung-rok, Consul General of The Republic of Korea; Vytautas V. Lapatinskas, Consul of Lithuania; William H. Weiss, Consul of Malta; Jorge Madrazo, Consul of Mexico; Miguel Angel Velasquez, Consul of Peru; Alexander Doronin, Senior Consul of The Russian Federation; Jahn R. Hedberg, Consul of Sweden; John Gokcen, Consul General of Turkey; David Broom, Consul of United Kingdom; Jack Chiang, Director General, Taipei Economic and Cultural Office

The President thanked Dr. David Spangler, President of St. Martin's College for allowing the Legislature to use the college's facilities. He also thanked the staff of both the House and Senate for their hard work under difficult circumstances.

The Sergeant at Arms announced that His Excellency, Governor Gary Locke and Mona Lee Locke had arrived. The President requested that the Governor and Mrs. Locke be escorted to the Rostrum.

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The prayer was offered by Rabbi Michael Latz, Temple Bnai Torah.

Rabbi Latz: "Sunrise - the first brilliant rays of a new day, the morning light illuminates possibility for each of us, the wide expanse of the day unfolds before our eyes. Night - tis the evening that frightens us. Young children wake terrified from nightmares and the old find themselves in the dark alleys of despair. The inability to see clearly in the dark terrifies us the most.

So many of us prefer the daylight - the brilliance of the sun, the clarity of its purpose. But as Sophocles wisely teaches "one must wait until evening to see how splendid the day has been." It live a full day together we must face the night.

Dusk now descends upon Washington. For years we celebrated the prosperity of the light, a robust economy, security, growth and opportunity. But such celebrations today are but memory's fodder - they seemingly evaporated as quickly as morning fog in August. The question before us today dances through the air like fireflies on a warm spring evening. Will we illuminate a new path? Like stars that echo Heaven's radiance, will we be vessels to carry forth the light?

There is risk born when we face the darkness - why? Because we must recognize those places within ourselves that are unseen, that we fear being exposed - our personal flaws and our failure - for we have know the darkness. Centuries ago, enslaved Israelites pleaded with Pharaoh to set them free. He stubbornly refused and darkness descended upon the land. And yet in the hovels of slavery the flames of justice burned unconsumed - no great power, no fanatic tyrant was able to extinguish the promise of human dignity, the promise of our full worth. And in our own time we call to memory Dr. Martin Luther King, Jr. who's birth we celebrate tomorrow. In the valleys of hatred and in the alleys of corruption, he led the way for each of us to dream for ourselves and our children. They could enslave the body but the soul longs to sing forever free.

Today, we must confront the depths of our anguish and the remote despair. We look at the raging indifference of midnight and the haunting simplicity of twilight. We wistfully long for the moments when it was all so simple, so clear and so bright. Some of use will close our eyes and wish our fears away but history call to us - to each of us - and we cannot escape her haunting presence. And so we us answer the call to carry the torch of justice, integrity and freedom forward. And we must answer her in the affirmative. Tis our only choice. For ours is to face the questions of ultimate concern - eternity calls to us - heed the cries of our companions, heed their suffering. With our collective strength, with the sweat of our spirit and the tears of our souls, we can kindle the tiny embers of possibility until they smolder with the radiance of the Universe. And in the depths of our conscience, a whisper for generations past and those yet to be, we can hear humanity's song, light is sewn for the righteous and justice shines like a beacon.

To embrace a new day together, we must face the night."

President Owen stated the purpose of the Joint Session was to receive the Governor's State of the State message.

## **GOVERNOR'S STATE OF THE STATE**

Governor Locke: "Mr. President, Mr. Speaker, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, people of Washington:

It's great to welcome many friends back to Olympia. I'd also like to especially welcome the new members of this 58th Legislature. I share your pride in the opportunity to serve the people of Washington. And I look forward to a productive session in which we work together across party lines to meet our state's pressing challenges, advance our vision of Washington's future, and leave at the end of the session with the people's business completed.

We will be tested by difficult decisions. And I believe we have uniquely promising opportunities to advance our agenda for a better Washington.

### **Tough Times**

Today we face tough economic times. A national recession, the nation's third highest unemployment rate, and the largest deficit in the history of our state—\$2.4 billion. Washington families are struggling, and uncertain about their future. We can and will direct our own destiny. We can and will continue to be trailblazers as we have in the past. We can and will lead the way by showing discipline, creativity, and common sense in tackling today's challenges.

### **Tough Choices—The Budget**

We will make tough choices in the days ahead. But tough choices today mean a better tomorrow. We must restore public trust in government by making the hard choices—and the right choices. Choices that protect our state's most vital interests. Choices that strongly position our state for a sustainable future. A future of stronger communities, a more vibrant economy, a healthier environment, and a continued high quality of life. I think of our state as a family, struggling through difficult economic times right now. And like every family, we will continue to take care of one another. We will continue to plan for the future and better times for our children and grandchildren.

We will build such a future by focusing on what matters most. The way to get back on our feet economically is to live within our means. By sticking together and sacrificing together, we will get through these tough times.

The results-oriented budget I have proposed is a bold response to our deficit. Nearly every state in America faces serious economic challenges. But we are the first state in the nation to tackle our problems head-on by re-examining how we govern—and fundamentally changing how we govern. Our Priorities of Government approach is becoming a model for other states to follow.

We exhaustively studied all that we do—examining some 1,400 state government activities. Then, like a family on a very tight budget, we sat down and looked at how we've typically spent our money. We decided how we now need to spend it to get the results we want.

My budget proposal clearly states what we believe are the priorities of state government: education, jobs, healthy families, safe communities, and protection of vulnerable children and adults. We must all be disciplined in our approach. In preparing this proposal, I made decisions that were personally difficult. There are programs and services we will each be reluctant to see reduced or eliminated. But we must focus on our core priorities.

The budget I've proposed will let us do what matters most without a general tax increase. A general tax increase in these tough economic times will hurt, not help, our economic recovery. The \$2.4 billion dollar deficit would require a sales tax increase of over 1 percent. That will not help struggling families. That will not help struggling businesses.

The tough choices we make today will lead us to a better, more secure tomorrow.

### Education First

Even as we make necessary reductions, we must still aggressively pursue our highest priorities—and we will. Education remains my highest priority. We are committed to building a world-class education system. Education is the key to a vital economy and a prosperous future for our children. We must continue to invest in the future—in their future.

It is vitally important that we protect the core of education even as we make deep and painful budget cuts in other areas. That's why 56% of the proposed budget is allocated to education. K-12 education is one of the very few areas in which we will be spending more in the upcoming biennium than in the current one.

There has been some confusion about my intentions regarding Initiative 728 and 732. I want to emphasize that my budget proposal delays—not cancels—both voter-approved initiatives. During the past two years, Initiative 728 provided \$400 million to reduce class size in public schools. Under my proposal, schools will continue to receive that money during the next two years. Further enhancements will resume again in the 2005-2006 school year.

My plan also calls for the automatic cost-of-living adjustments for teachers to be reinstated beginning in 2005. I acknowledge the many teachers and supporters who are in Olympia today, rallying in support of education. I appreciate the dedication and hard work of our educators. We ask you to do so much. You are not paid enough. I wish we could do more.

I remain committed to high standards, goals and expectations for achievement for every student in every school. We must continue the gains we have made. The test scores of our students have consistently improved. We've seen great progress at schools like Garfield Elementary in Spokane, where the percentage of 4th graders meeting the math standards has gone from only 14% to 81% in just a few years. Schools like Union Gap Elementary, where the percentage of 4th graders meeting the reading standards has gone from only 21% to 74%. We've seen reading scores climb for all grades in our state, thanks to programs like the Washington Reading Corp, which has helped 22,000 struggling readers advance in their reading skills by more than one full grade level.

While test scores are on the rise, there's a widening disparity between minority and white students... that growing achievement gap is unacceptable. A good education is a universal right and must never depend on circumstances of social or economic standing. We'll close the gaps by reforming the Learning Assistance Program to ensure that the schools with at risk kids receive and keep the money they need.

As I announced yesterday, we must also simplify and reform the WASL high school graduation requirements. I support a constitutional amendment to allow the passage of school levies by a simple majority of the voters. If we can build police stations, symphony halls, low-income housing and professional sports stadiums with a simple majority, then it should also be sufficient for our schools. It's time to remove artificial distinctions between neighboring school districts. Currently, some school districts right next door to one another have vastly different levy limits. That's not fair, and that's why I'm proposing legislation that would allow all school districts the opportunity to ask their local voters for levies up to 36% of their levy base.

That will also help those districts with high costs of living meet the needs of their teachers. We are honoring our commitment to education. As I said, K-12 education is one of the very few areas in which we will be spending more in the upcoming biennium than in the current one.

But we can and must do more. Building an education system where every child achieves his or her potential requires new approaches and new commitments. The structure and funding of our education system has not changed even as we have learned more about what's needed and even as we have demanded more of our students and teachers. We must recognize that the lines we have traditionally drawn between pre-school and K-12, and between K-12 and college are artificial. Our education system must be seamless, with all components—from early learning to graduate school—working together as one.

That system needs stable and dedicated funding. I intend to work with education and legislative leaders in establishing an Education Trust Fund to address urgent needs and reforms not covered in the education budget. We may be facing tough economic times, but education, and especially higher education, is a key part of our economic engine. I will not propose a general tax increase to fund this Trust. Rather, we will consider other funding sources such as "sin taxes."

### Jobs are the Key

A strong education system prepares our workforce for good, family-wage jobs. And jobs are the key to economic recovery. We must do all we can this session to create and support jobs in our state. That's why I have a five-point plan for jobs and economic recovery.

First, we will create new jobs by building a better Washington. Approving my state construction budget will mean more than 13,000 new private sector construction and other family-wage jobs during the next two years - jobs building and renovating buildings on the campuses of our colleges and universities, public schools and our prisons. Let's approve the state construction budget as early as possible and get those family-wage jobs to the workers who need them. Let's build a better Washington.

Second, we must intensify our focus on trade and the jobs that trade creates. Last year, our trade missions to Japan, Korea, China and Singapore were successful in advancing trade partnerships with some of the world's most promising markets. We returned from Japan and Korea with immediate new sales for Washington businesses. Last month we promoted Boeing airplane sales in China and promoted biotechnology in Singapore. China is already our 3rd largest export trade partner. It is a huge market with great potential for the sale of Washington products and services. And Singapore is now interested in funding biotech companies in our state. We must continue to pursue these golden opportunities to create jobs in our state.

Third, we must continue to improve our business climate to keep our state competitive in attracting and keeping businesses. We are making exceptional progress. Over the years, we've reduced the B&O tax on businesses, cut red tape, and streamlined regulatory processes. The Department of Ecology has set a goal to act on 90% of all permits within 90 days. We're on target to meet this goal. We approved a Safeway distribution center—the largest construction project in Safeway's history—in less than 60 days. Indeed, in the last 12 months, three national companies chose Washington over other Northwest states for major facilities and hundreds of jobs: Safeway in Auburn, WalMart in Grandview, and Ferguson Enterprises in Tri-Cities. I am directing that these successful practices be implemented all across our state government. These successes can and will increase.

The fourth point in my jobs and economic recovery plan is new economic development tools. Our Constitution prohibits many incentives that other states use to attract businesses. I am proposing to add a new funding tool that will allow local governments to finance the critical infrastructure that businesses are looking for in making location and expansion decisions. Our proposal will help attract at least \$400 million in private sector investment.

The Community Economic Revitalization Board program has attracted a British Columbia manufacturing company to Blaine, a grass seed cleaning operation to Odessa, and a technology center to the Port of Chelan County. This program has created thousands of jobs for rural areas, but has lost its funding source. So I'm submitting legislation to provide permanent funding to keep this program going. It's a strong source of good jobs for rural families and I hope you'll support it.

Fifth and finally, we must continue to create jobs with investments in education, especially by supporting industries of the future like biotechnology and software. I'm proposing \$20 million in higher education funding to expand enrollments at our colleges and universities by more than 1,500 students, dedicated exclusively to such high-demand fields as engineering, computer science and health

care. Our state's businesses continue to need these critical skills. I don't want Washington companies to have to hire people from out-of-state to meet their needs. I want Washington citizens to have the first chance at filling these good paying jobs. We're also providing funding to retrain more than 7,200 unemployed workers.

Following this five-point plan and working together will lead us to more jobs and accelerate our economic recovery.

#### Transportation Solutions Now

Of course, we need an efficient transportation system to attract and retain businesses. The transportation crisis is too important to ignore. We still need to fix our deadliest roads and highways. And making improvements to Washington's roads, public transit, and ferries will also bring more family-wage jobs—thousands of them.

For too many legislative sessions, we have deferred, delayed and postponed. Our state's transportation problems must be solved here in Olympia. We will do it by working together—Democrats and Republicans. The longer we wait, the more it will cost. So let's get started.

#### Environment

As the Competitiveness Council emphasized, a strong business climate does not mean lowering environmental standards. Just last month, businesses, environmentalists and local government announced an historic agreement to protect our shorelines. I want to thank our Attorney General Christine Gregoire for helping mediate that agreement.

I'm proposing funding to implement that agreement. We can be proud that we have a rescue tug to protect our coastline and the Strait of Juan de Fuca from oil spills. Funding for that rescue tug must continue.

Over the years, my administration has worked hard on other environmental issues critical to our state, such as salmon restoration and modernizing our water laws. I congratulate the Legislature for the great strides we've made, but there's more to do. We need to help more communities fix unfit drinking water systems, and move forward on water storage projects.

#### Keeping the Safety Net Intact

The soaring costs of medical care have exacerbated our state's fiscal condition. We can't handle these skyrocketing costs alone and forever at the state level. We must continue to push Congress and the Administration to provide a national solution to the nation's health care woes. The good news is that even in these tough economic times, my budget proposal continues to fund all existing health care programs for children. We will still be among the top three or five in the nation in providing health care for our kids.

But let's recognize that the cost of prescription drugs is a key driver of our escalating health care costs. As a purchaser of prescription drugs, the state must implement a preferred drug list of safe, effective and affordable drugs to reduce the costs to state government. And let's work together to extend the state's buying power to benefit seniors and others without prescription drug coverage. I'm also proposing that we establish a new Senior Prescription Drug Information Clearinghouse. This program will help low-income seniors obtain drugs that are available free, or at low cost, from pharmaceutical companies. It will also provide information on generic drugs and discount purchasing clubs.

#### Government Efficiency

As we strive to do more with less, we will continue to work hard to make state government more efficient, more effective and less costly. We'll continue to find ways to better serve the people of our state through technology. Many of our agencies and their services have been rated the best in the nation, thanks to the work of state employees. Unfortunately, state government employees will feel the pain of cutbacks. The state workforce will continue to shrink—a total of 2,500 full-time jobs will be eliminated in the next 12 months. These employment reductions are necessary, but not easy. I deeply appreciate the hard work of our state employees. Their dedication to their jobs and to our state is remarkable. And I ask for their continued dedication. State workers are the face of our government, and directly interact with our citizens. We count on state employees every day to make government work—and work well. So, on behalf of the people of Washington, I thank our state employees.



## Conclusion/Vision

Difficult times remind us that we cannot do everything. But we can do the things that matter most by being disciplined, creative and determined. And like any family, we can do our best to learn from hard times and plan for the future. I am proposing a constitutional amendment for a constitutionally-protected "rainy day fund." As our economy recovers, we must make every effort to protect ourselves and set aside resources to help our state the next time we experience hard times.

I am confident that we will overcome our challenges. Tough decisions today will bring us a better tomorrow. I want a Washington known across America as "The Education State." I want a Washington where every person has ample opportunity to earn a good living and hold a family-wage job. I want a Washington that protects and takes care of its most vulnerable children and adults, a state where people feel safe and secure and part of a caring community. I want a Washington that attracts new businesses and is confidently geared toward the prosperous industries of the future. And I want a Washington with an unrivaled quality of life, and a sustainable future of exceptional education, economic vitality and a healthy environment. A state where our children and grandchildren will want to live, work, and raise their families.

Join me in making this happen. If we work hard, if we work together, if we make the tough choices, we will accomplish great things.

Thank you and God bless you all."

The President thanked the Governor for his remarks.

The Governor and Mrs. Locke were escorted out of the hall. The Statewide Elected Officials were escorted out of the hall. The Supreme Court Justices were escorted out of the hall.

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

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

## MOTION

There being no objection, the House adjourned until 9:55 a.m., January 15, 2003, the 3<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SECOND DAY, JANUARY 14, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**THIRD DAY**

---

House Chamber, Olympia, Wednesday, January 15, 2003

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

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

## INTRODUCTION & FIRST READING

HB 1062 by Representatives Romero, Veloria, Bush, Cooper, Simpson, Wallace, Sullivan, Chase, Anderson, Kenney, Conway and Hudgins

AN ACT Relating to expeditious payment for goods and services provided to the state of Washington; adding a new chapter to Title 39 RCW; providing an effective date; and declaring an emergency.,

Referred to Committee on State Government.

HB 1063 by Representatives Morrell, Alexander, Dunshee, Lovick, Veloria, Upthegrove, Chase, McDermott, Morris, Schual-Berke, Kenney, Cody and Moeller

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

Referred to Committee on Capital Budget.

HB 1064 by Representatives Eickmeyer, Buck, Haigh and Blake

AN ACT Relating to authorizing the use of signs, banners, or decorations over highways under limited circumstances; amending RCW 47.36.030 and 47.42.020; and declaring an emergency.,

Referred to Committee on Transportation.

HB 1065 by Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson

AN ACT Relating to apprenticeship utilization requirements on public works projects; and adding new sections to chapter 39.04 RCW.,

Referred to Committee on Commerce & Labor.

HB 1066 by Representatives Campbell, Cody, Miloscia, Simpson and Hudgins

AN ACT Relating to health facility quality assurance and patient protection; adding a new chapter to Title 70 RCW; and prescribing penalties.,

Referred to Committee on Health Care.

HB 1067 by Representatives Campbell, Cody, Simpson and Schual-Berke

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.,

Referred to Committee on Health Care.

HB 1068 by Representatives Campbell, Bush and Rockefeller

AN ACT Relating to providing for a public vote on the fluoridation of public water supplies; adding a new section to chapter 35.13A RCW; adding a new section to chapter 35.17 RCW; adding a new section to chapter 36.01 RCW; and declaring an emergency.,

Referred to Committee on Local Government.

HB 1069 by Representatives Pflug, Gombosky, Anderson, Cairnes and Sullivan

AN ACT Relating to authorizing additional waivers on interest and penalties for delinquent property taxes; and amending RCW 84.56.025.,

Referred to Committee on Finance.

HB 1070 by Representatives Delvin, Dickerson, Carrell, Hinkle, Eickmeyer, Armstrong, Holmquist, Darneille and Kagi

AN ACT Relating to changing the age of consent for minors receiving chemical dependency and mental health treatment; amending RCW 70.96A.095, 70.96A.230, 70.96A.235, 71.34.030, 71.34.040, 71.34.042, 71.34.046, 71.34.050, 71.34.052, and 71.34.054; adding a new section to chapter 70.96A RCW; adding new sections to chapter 71.34 RCW; and creating a new section.,

Referred to Committee on Juvenile Justice & Family Law.

HB 1071 by Representatives Lantz, Morrell, Rockefeller, Veloria, Talcott, O'Brien, Morris, Sullivan, Jarrett, Berkey, Kirby, Bush, Conway, Kagi, Flannigan, McDonald, Woods, Miloscia, Carrell, Upthegrove, Simpson, Schual-Berke, Darneille, Kenney, Haigh and Hudgins

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.381, 84.36.383, 84.38.020, and 84.38.030; and creating a new section.,

Referred to Committee on Finance.

HB 1072 by Representatives Haigh and Armstrong; by request of Legislative Ethics Board

AN ACT Relating to ethics investigations; and amending RCW 42.52.450.,

Referred to Committee on State Government.

HB 1073 by Representatives Haigh and Eickmeyer

AN ACT Relating to collection of property taxes on land subleased for residential and recreational purposes; and amending RCW 84.40.410.,

Referred to Committee on Finance.

HB 1074 by Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell

AN ACT Relating to release of vehicles to vehicle owners in cases involving suspended license vehicle impounds; and amending RCW 46.55.113 and 46.55.120.,

Referred to Committee on Transportation.

HB 1075 by Representatives Blake, Cairnes and Gombosky

AN ACT Relating to multiple incompatible amendments to forest tax statutes resulting from 2001 statutory changes; reenacting and amending RCW 84.33.130, 84.33.140, and 84.34.108; creating new sections; and repealing RCW 84.33.120.,

Referred to Committee on Finance.

HB 1076 by Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.61.024; and prescribing penalties.,

Referred to Committee on Criminal Justice & Corrections.

HB 1077 by Representatives Lovick and O'Brien

AN ACT Relating to carrying persons or animals in pickup truck beds; and amending RCW 46.61.660.,

Referred to Committee on Transportation.

HB 1078 by Representatives Eickmeyer, Cairnes, Gombosky, Haigh, McDermott, Berkey, Clements and Quall

AN ACT Relating to authorizing additional county sales and use tax authority; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.,

Referred to Committee on Finance.

HB 1079 by Representatives Kenney, Cox, Fromhold, Jarrett, McIntire, Chandler, Miloscia, Quall, Sullivan, Voloria, Chase, Hunt, Pettigrew, Darneille, Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin

AN ACT Relating to resident tuition at institutions of higher education; and amending RCW 28B.15.012.,

Referred to Committee on Higher Education.

HB 1080 by Representatives Delvin, Mielke, Roach, Woods, Carrell, Hatfield, Wood, Dunshee, DeBolt, Kirby, Buck, Quall, Upthegrove and Anderson

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

Referred to Committee on Transportation.

HB 1081 by Representatives Hunter, Benson, Schual-Berke, Newhouse, Cooper, Roach and Simpson

AN ACT Relating to the mortgage lending fraud prosecution account; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 43.320 RCW.,

Referred to Committee on Financial Institutions & Insurance.

HB 1082 by Representatives Ruderman, Tom, Hunter, Jarrett, McDermott, Nixon, Clibborn, Sommers, Sullivan, McIntire, O'Brien, Simpson, Hunt, Moeller, Kirby, Cooper, Chase, Wood, Miloscia, Shabro, Hudgins, Kenney, Conway, Kagi and Dickerson

AN ACT Relating to housing allowances for nonsupervisory K-12 employees; amending RCW 28A.400.200, 84.52.0531, 41.32.010, 41.40.010, and 41.35.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.,

Referred to Committee on Education.

HB 1083 by Representatives Simpson, Benson and Schual-Berke; by request of Insurance Commissioner

AN ACT Relating to making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code; and amending RCW 48.01.050, 48.01.235, 48.14.029, 48.18.103, 48.18.291, 48.18A.050, 48.19.043, 48.20.025, 48.21.180, 48.22.110, 48.31.111, 48.31.184, 48.31.185, 48.43.115, 48.44.024, 48.46.068, 48.46.170, 48.46.225, 48.46.350, 48.62.111, 48.90.010, 48.90.020, 48.90.030, 48.90.140, and 48.99.040.,

Referred to Committee on Financial Institutions & Insurance.

HB 1084 by Representatives Hunter, Benson and Schual-Berke; by request of Insurance Commissioner

AN ACT Relating to regulating automobile insurance; and amending RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, and 48.22.100.,

Referred to Committee on Financial Institutions & Insurance.

HB 1085 by Representatives Schual-Berke, Benson and Simpson; by request of Insurance Commissioner

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and amending RCW 48.02.065.,

Referred to Committee on Financial Institutions & Insurance.

HB 1086 by Representatives Morris, Pearson, Sullivan, Miloscia and Kristiansen

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

Referred to Committee on Transportation.

HB 1087 by Representatives Upthegrove, Miloscia, O'Brien, Ruderman, Shabro, Roach, Chase, Simpson, Schual-Berke and Nixon

AN ACT Relating to prohibitions on siting secure community transition facilities in areas designated for residential or commercial uses; amending RCW 71.09.285, 71.09.342, and 34.05.4791; adding a new section to chapter 71.09 RCW; and declaring an emergency.,

Referred to Committee on Criminal Justice & Corrections.

HB 1088 by Representatives Fromhold and Moeller

AN ACT Relating to removal of illegally parked vehicles; and amending RCW 46.55.113.,

Referred to Committee on Transportation.

HB 1089 by Representatives Ahern, Miloscia, Benson, O'Brien, McDonald, Sullivan, Sump, Pearson, Hunt, Schindler, Lovick, Chase, Cairnes, Anderson, Nixon, Schoesler, Skinner, Sehlin, Bailey, Upthegrove and Haigh

AN ACT Relating to the statute of limitations on certain sex offenses; and amending RCW 9A.04.080.,

Referred to Committee on Judiciary.

HB 1090 by Representatives Veloria, Roach, O'Brien, Bush, Lantz, Clements, Linville, Kenney, Boldt, Sullivan, Upthegrove, Chase, Darneille and Hudgins

AN ACT Relating to the task force against the trafficking of persons; amending 2002 c 10 s 2 (uncodified); adding a new section to chapter 7.68 RCW; and declaring an emergency.,

Referred to Committee on Criminal Justice & Corrections.

HB 1091 by Representatives Cody, Campbell, Morrell, Schual-Berke, Edwards, Kessler, Fromhold, Kenney, Dickerson, Conway, Pettigrew, Wallace, Lovick, Cooper, Veloria, Romero, Hudgins, Sullivan, Upthegrove, Chase, McDermott, Simpson, Darneille, Wood, Moeller and Kagi

AN ACT Relating to prescription drugs; amending RCW 41.05.011; adding new sections to chapter 41.05 RCW; adding a new section to chapter 69.41 RCW; adding a new section to chapter 43.60A RCW; creating new sections; and declaring an emergency.,

Referred to Committee on Health Care.

HB 1092 by Representatives Bush, Morrell, McDonald, Miloscia, Campbell, Shabro, O'Brien, Lantz, Boldt, Edwards and Talcott

AN ACT Relating to eliminating the expiration date on a business and occupation tax exemption for certain water services; and amending RCW 82.04.312.,

Referred to Committee on Finance.

HB 1093 by Representatives Hatfield, Hankins, Morris and Blake

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025, 29.33.320, and 35.22.055; and repealing RCW 29.30.040.,

Referred to Committee on State Government.

HB 1094 by Representatives Hatfield and Morris

AN ACT Relating to elections by mail; amending RCW 29.38.010, 29.38.020, and 29.38.030; and adding a new section to chapter 29.38 RCW.,

Referred to Committee on State Government.

HB 1095 by Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen; by request of Commissioner of Public Lands

AN ACT Relating to assisting small forest landowners with the forest road maintenance and abandonment plan elements of the forest practices rules; amending RCW 76.09.020, 76.09.055, and 76.09.390; adding new sections to chapter 76.09 RCW; adding a new section to chapter 76.13 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.,

Referred to Committee on Agriculture & Natural Resources.

HJM 4005 by Representatives Morris, Anderson, Linville, Veloria, Skinner, Quall, Hunt, Cox, Miloscia, Ericksen, McDonald, Pearson and Sullivan

Supporting the Vancouver 2010 Olympic bid.

Referred to Committee on Trade & Economic Development.

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

The House recessed until 11:00 a.m. at which time the House and Senate came together in Joint Session at the Temple of Justice to hear the State of the Judiciary.

### **JOINT SESSION**

The President of the Senate (Lieutenant Governor Brad Owen) called the Joint Session of the Legislature to order. The Clerk called the roll of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

The President appointed a special committee to escort the Statewide Elected Officials to the Supreme Court Chambers: Representatives Barbara Bailey, Cary Condotta, Dennis Flannigan and Jim Moeller, and Senators Mary Margaret Haugen, Stephen Johnson, Adam Kline and Larry Sheehan.

The Sergeant at Arms announced that the Statewide Elected Officials had arrived. The President asked the Statewide Elected Officials to seats within the Chamber. The President introduced: State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire and Superintendent of Public Instruction Terry Bergeson.

The President thanked the Supreme Court of the State of Washington for the use of the Court's Chambers. He introduced Associate Chief Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe Bridge, Justice Tom Chambers, Justice Susan Owens and Justice Mary Fairhurst.

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The prayer was given by Pastor Neal Neuenschwander, Lacey Presbyterian Church.

"Gracious and Holy God, God of justice, God of mercy, God of wisdom, God of strength, You have given us a *beautiful* state. The *majestic evergreens*, the *fertile river valleys*, and the *mighty mountains* declare *your* praise.

You have also given us a *strong* system of state government undergirded by *judicious* women and men who interpret our constitution and resolve the *competing* values for which our people strive. As we begin our task this season, Lord, give us the *wisdom* to see that the values that *unite* us are greater than those that *can* divide us. Let justice, fairness, and freedom be our aim. Give us the *courage* to represent the *best* qualities of our constituents. Goodness, patience, charity, — not the petty, vindictive, or mean. Finally, give us the *humility* to seek *your* face for mercy, love, and grace — *especially* when negotiations become *heated* and the day is long for we ask it by the prompting of *your* Spirit and the guidance of your *Holy* Word.

Amen."

The President thanked the Washington State Patrol Color Guard for their excellent work during the opening days of the Legislature.

The President introduced Chief Justice Gerry Alexander.

### **STATE OF THE JUDICIARY**

Chief Justice Gerry Alexander: "Lieutenant Governor Owen, Speaker of the House Chopp, members of the House and Senate, state elected officials, Pastor Neuenschwander, fellow justices and judges, ladies and gentlemen.

Good morning, and welcome to the Temple of Justice. Let me first thank all of the members of the legislature for the warm welcome you have accorded me and my fellow justices on this and other occasions. Let me also extend our thanks to the leaders of this legislature for inviting me, as chief justice, to deliver this address to you on behalf of the judiciary of the state of Washington. We know that time is at a premium for senators and representatives during a legislative session. We know also

that you need not accord me this privilege. The state constitution only requires the governor to deliver a message to the legislature. While that same document requires the justices of the Supreme Court to report to the governor in writing on or before January 1 of each year on defects and omissions in the law, it does not require our court to report to the legislature nor does it require you to provide us that opportunity. But by a custom that has developed over the past decade, the chief justice of the Washington Supreme Court has been invited to speak to the legislature every other year, on the state of our justice system. The fact that you provide us this opportunity speaks well of the legislative branch of government and we are most grateful for the opportunity to report to you and thereby to the people of the state of Washington.

Let me first observe that today's joint session of the legislature is historic. It is because this is the first time since the Supreme Court moved into the Temple of Justice way back in 1913 that a session of the legislature has been held in this building. Since that early time, the room we are in now has served exclusively as the courtroom of the Supreme Court. But today it is not functioning as a courtroom, but, rather, as the venue for this joint legislative session. We want you to know that despite the fact this is our normal courtroom, today you in the legislature are the home team and we on the court are the visitors.

Before I speak about the judiciary as a whole, let me say a word to you about the Supreme Court. We have a very fine court and I am immensely proud of it and my colleagues. I was very honored when two years ago they elected me to serve a four-year term as chief justice. I can assure all of you that my colleagues and I are absolutely unified in our desire to work together with our judicial colleagues at all levels of court, to keep the promise of providing equal and quality justice to all who enter the courts of this state.

The membership of the Supreme Court has not changed very much since I addressed you two years ago. Eight of the nine justices before you now were on the court then and I think most of you are somewhat familiar with us. You may not, though, be as well acquainted with our newest member, so let me say a brief word about Justice Mary Fairhurst, who swore her oath in this courtroom on Monday of this week. Justice Fairhurst comes to our court from Attorney General Gregoire's office where she served for sixteen years as an assistant attorney general, most recently as the chief of the very important Revenue, Bankruptcy and Collections Division. Justice Fairhurst is a former president of the Washington State Bar Association, only the third justice in the long history of this court to have served in that important position prior to coming to this court. Interestingly, Justice Tom Chambers who sits next to her on the bench was the second former WSBA president to come to this court. Although it has been extensively reported, it bears repeating that Justice Fairhurst's entry onto the Supreme Court alters the gender balance of the court for the first time in our state's 114 year history, and, as I said at the induction ceremony, this is an historic event. You may recall that two years ago I told you that when Justice Owens took the oath a few days before my address to you, our court instantly had more women among its membership than any Supreme Court of the 50 states. We still enjoy that distinction, but we also have a majority of women, a distinction that is shared only by the Ohio Supreme Court. Please join me in welcoming Justice Fairhurst to the Washington Supreme Court.

Whenever a new person comes on the court it is a happy occasion, but it is always accompanied by a tinge of sadness. That is because when someone new comes on the court that means that a veteran has left to create the opening. So as happy as we are to welcome Justice Fairhurst, we will still miss our friend and colleague, Justice Charles Z. Smith, at our conference table. I have asked Justice Smith to be here today and I would like him to stand so that you can join me in thanking him for his 50-plus years of devoted service to the people of the state of Washington, as a justice, judge, educator, prosecutor, news commentator, civil rights pioneer, and in countless other activities—Justice Smith.

Let me now, in my capacity as this state's 52<sup>nd</sup> chief justice, speak to you about the state of Washington's justice system. I feel comfortable telling you, as I did two years ago, that our justice system is in relatively good shape. The system is not perfect, to be sure, but the judicial branch is managing to hold its head above water despite the many and increasing demands that have been placed upon it. This would not be true, of course, without the hard work and ingenuity of the judicial officers of this state and the many dedicated employees of the judicial branch, including the excellent elected and appointed county clerks in each of our counties. I can't begin to convey to you the depth of my admiration for the outstanding work of the 217 full- and part-time judges of our district and municipal courts who hold forth in the towns, cities, and counties of



our state and who manage caseloads made heavy with over two million filings each year. Our 175 superior court judges are equally as dedicated and hard working, managing to stay on top of caseloads that are enriched each year by over a quarter of a million new filings in those courts located in every county of our state. Collectively, our two levels of trial court entertain approximately one case filing for every 2.5 citizens each year—cases that run the gamut from parking citations to aggravated first degree murder, and from small claims to cases that involve millions and, in some cases, billions of dollars and significant public issues.

I am also very proud of our two levels of appellate courts. I have already made reference to the court on which I sit, the Supreme Court. Let me brag a bit about our State Court of Appeals, that workhorse court which sits in three divisions and doesn't get near the credit that it deserves. Unlike the Supreme Court, it is without discretion to decline an appeal—it must take all cases that are ripe for review. In 2002, that court managed to maintain its tradition of staying current despite an influx of approximately 4,200 appeals, personal restraint petitions, and other petitions.

I wish I could have invited every judicial officer in the state to be here today, but, obviously, space limitations wouldn't permit that and besides, as you can tell from my remarks, they have work to do at home. I did, though, ask a few judges to be here to represent all of our state's judges—allow me to introduce them to you. Representing the district and municipal court judges, one of our state's very fine young judges, Judge Stephen Dwyer, of the Snohomish County District Court. Judge Dwyer is president of the District and Municipal Court Judges' Association. Representing the superior courts, we have one of the state's most energetic judges, King County Superior Court Judge Deborah Fleck. Judge Fleck is president of the Superior Court Judges' Association. Representing the 23 judges of our Court of Appeals, a veteran judge and old friend, Judge John Schultheis, from Division Three in Spokane. He is presiding chief judge of the Court of Appeals.

Let me take just a few minutes to describe to you some of the really positive things that have taken place in the judicial branch since I addressed you two years ago. Frankly, it is hard to know where to begin because there is so much energy and creativity out there in the field. Consequently, I am just going to scratch the surface.

I will start by saying that one of our proudest accomplishments was gaining passage of ESJR 8208. As you know, that constitutional amendment provides our hard-pressed superior court jurisdictions with greater flexibility in harnessing the assistance of elected judges from other levels of court as judges pro tem when those courts are faced with backlog problems. Of course, we would never have achieved this important reform without the support of the 57<sup>th</sup> Legislature, of which most of you were a part. That legislature passed what was then a proposed constitutional amendment on to the people and gave it a large boost with over a two-thirds vote in each house. The people then approved the measure in November of 2001, by an almost 70% affirmative vote, the highest affirmative vote given to any ballot measure that year.

I can tell you that this amendment, which we in the judiciary refer to as the "portability of judges" amendment, is working well and is helping jurisdictions keep on top of ever increasing caseloads without having to ask you in the legislature to increase the number of judgeships. For example, in the King County Superior Court, our state's largest superior court jurisdiction, that court is utilizing the service of elected judges from other levels, primarily the King County District Court, to the tune of 4.1 full-time equivalents. That has been a life saver for that busy court, but the life ring could disappear if the number of district court judges for that county is reduced, as some have suggested.

I am proud to report to you on the progress we have made toward revising our time for trial rules for criminal cases—the so-called "speedy trial" rules. You may recall that these rules, which apply to all criminal cases in superior court and courts of limited jurisdiction, came to the attention of the 2002 session of the legislature, when the rules came under some criticism. You may recall that I thereafter appeared before a committee of the House of Representatives and indicated that even though we had not received any recommendations for modification of these rules in recent years, we were willing to look at the rules from top to bottom to see if they should be modified in light of the concerns that were then being expressed. The Supreme Court immediately followed up on that promise and appointed a broad based task force to examine the rules. Four legislators, two from the House and two from the Senate, served on that task force, which was chaired by Professor David Boerner of the Seattle University Law School, a former King County deputy prosecutor. We received the report of the task force this past October together with suggested revisions to the rules. The Supreme Court then asked the Board for Judicial Administration, which is the policy setting body for the entire court

system, to consider the task force proposal and give us the benefit of their recommendations. We felt this was important because two-thirds of the membership of that board are trial judges, and it is our trial judges who are ultimately responsible for assuring compliance with the time for trial rules. That board will consider the proposal for the second time at its meeting on January 24, after which it will send its recommendations on to our court. I can tell you, speaking for myself, that the task force did a fine job in drafting rules that appear to be designed to preserve the values of the current rule—which is moving criminal cases through the system promptly—while at the same time providing trial judges with greater flexibility in managing their caseloads and dealing with unforeseen circumstances. I am confident that the Supreme Court will take action on the task force’s proposal before this legislative session is completed.

I wish time permitted me to expound at length about the continued expansion of our so-called problem solving courts. I’m speaking of our drug courts, mental illness courts, and domestic violence courts. The drug courts, in particular, have been hugely successful in employing tough love to resurrect the lives of many of our young people who had literally reached bottom due to drug dependency. I am pleased to tell you that while two years ago we had drug courts in 12 of our counties, we now have them in 14 counties and more are on the way.

I wish also that time permitted me to go into detail about the court rule we enacted since I last addressed you that tightens up the qualifications that court appointed counsel must have in order to represent a person charged with a capital offense. Let me simply say that we now have the strictest rules in the nation and, again thanks to the 57<sup>th</sup> Legislature, the Office of Public Defense had funds which enabled it to provide training to interested attorneys so that we could enlarge the pool of counsel deemed qualified in cases where the death penalty is sought.

Finally, let me tell you very briefly about the rule the Supreme Court adopted very recently requiring all judicial officers in this state, from municipal court judges up to and including Supreme Court justices, to obtain the same number of continuing education credit hours as attorneys have been required to obtain. This rule also requires each judge, justice, or court commissioner to attend our State Judicial College within one year of assuming office. On Monday I spoke to the judges who are just now attending our week long Judicial College in Tacoma. I am pleased to inform you that there were about 60 judges in attendance, the largest attendance ever in the long history of the college.

Now if up to this point I sound a bit like a Pollyanna, I must plead guilty. As I have said, I am immensely proud of the many accomplishments that I have told you about and many more that I have not mentioned. At the same time I must again say that our justice system is not perfect. There is no institution that has been created by humans that can’t be made better and we recognize that in the judicial branch. We are, therefore, committed to making improvements and that is what I would like to discuss with you now very briefly. Again, time won’t permit me to discuss all of our goals with you. Let me, if I may, mention three, and then close by telling you about one goal in progress.

First, we are requesting the creation of five additional superior court judgeships, and one additional district court judgeship. It has been four years since the number of superior courts in this state was increased and despite the best efforts of our judges, the caseloads in some jurisdictions have expanded to the point where new judges are needed. We are requesting two additional superior court judges and one additional district court judge for Clark County, the state’s fastest growing county. We are asking for one additional superior court judge for the Benton-Franklin County joint judicial district, and one each in Kittitas and Kitsap Counties.

Next, let me advise you that the judiciary is asking the legislature to increase funding for our state’s judicial information system. We have, for a number of years, been fortunate in Washington to have one of the most efficient judicial information systems in the nation, one that has truly been a model for other states. Unfortunately, the system has to some extent become a victim of its own success. While it was a state of the art system 20 years ago, it is now underfunded and not entirely prepared for the internet revolution. Our Judicial Information System Committee, which is chaired by Justice Bridge, has compared our system to an eight track tape system, an aging relic that costs too much to maintain. We need to invest in JIS because judges, prosecutors, and law enforcement officers all over the state rely on it for information that they use in making decisions. We are in danger of losing this system and we hope that you will make certain that this does not happen. Because we know that money is scarce, our Administrative Office of the Courts has reduced its staff by over 6% to absorb a portion of the cost of the upgrades. Fortunately, JIS has a dedicated funding source, the State’s Public Safety and Education account, and we are asking that you appropriate additional dollars from this account in order to complete the upgrading of JIS.

Let me next speak to you about a very great problem that the poor and vulnerable people of this state face. It is an increasing inability to obtain legal assistance in civil matters. Frankly, this has been a problem for some time, but it has become more acute in recent years what with dwindling support of civil legal services for the poor coming from the public purse. Indeed, it has been estimated that our state's dedicated legal services providers, both full-time and volunteers, are able to serve only a small percentage of the needs of our indigent citizens. The Supreme Court and the other courts of this state have been concerned about this for some time, and in November 2001 our concerns resulted in the Supreme Court creating a Task Force on Civil Equal Justice Funding. It is chaired by Justice Charles Johnson and has among its broad membership four members of the legislature. That task force has been charged with overseeing a comprehensive study of the legal needs of the poor and vulnerable in Washington and developing a plan for long term, sustained and permanent state funding for essential legal services for the poor.

Unfortunately, since the task force began its work, the circumstances that prompted creation of the task force worsened. In February 2002, the governor eliminated so-called TANF funding that had been previously committed for civil equal justice services. Although the 57<sup>th</sup> Legislature thankfully restored \$1.5 million of the \$2.4 million dollar cut, the loss of \$900,000 meant that our state's two principal legal services providers, Columbia Legal Services and Northwest Justice Project, have had to reduce staff. These offices now have 20 fewer attorneys than they had in 1999. On top of that, low interest rates and reduced business activity has caused a decline in IOLTA revenue of about \$1.2 million dollars annually.

In light of this bad news, the task force made an interim recommendation to the Supreme Court, asking us to support legislation that would place a \$90 surcharge on the superior court civil filing fee. This would raise the fee to \$200. They recommended that the split of the surcharge be in the same proportion that it is now—54% to the county general fund and 46% to the state, with the state portion being earmarked for a newly created equal justice account. The Supreme Court has approved this recommendation, as did the Board for Judicial Administration and the Washington State Bar Association. We commend it to you. Some might say, why should we support this when we face tough financial times? Well times are tough, as we heard last night, but it seems to me in America where we rejoice in the fact that we are a nation devoted to the rule of law, we should not ration access to justice. This week, we have all pledged allegiance to our flag and said these familiar words, "Liberty and justice for all." We should not make those words hollow by taking action that would say, "Justice is only for those who can afford it."

I indicated that I would mention a goal in progress. I will close with that. Many of us have been concerned in recent years about the manner in which our trial courts are funded. As you know, the great bulk of funding for both levels of our trial courts is provided by local government. This is not all bad as a concept because it results in decentralized administration of our trial courts. I, for one, endorse that idea. On the other hand, local governments are, as we know, experiencing increasing difficulties in providing support for the courts and other components of the justice system. Furthermore, the degree to which local government is able to support the courts varies widely throughout the state.

Consequently, there is growing interest in exploring the question of whether the state government should share a greater portion of the expense of what is really a state court system. You might be interested to know that currently, the state government of Washington pays the lowest percentage of the cost of its trial courts of any state government in the Union—in many states, the costs of trial courts are shared on about a fifty-fifty basis.

To address this issue, we have created yet another task force and have charged it with looking at the issue from top to bottom and making recommendations as to the fairest and most efficient way to fund our state's courts. Like the other task forces it has representatives from both houses of the legislature. It is chaired by a very distinguished lawyer, a former president of the Washington State Bar Association, Wayne Blair. We plan to report to you at your next session as to the findings and recommendations of that body.

There is a lot more I could say. I understand that you may be considering sentencing issues this session as well as other issues on which the judges of this state are knowledgeable. I can assure you that the judges of this state and the Administrative Office of the Courts stand ready to give you the benefit of our views on these subjects whenever you deem it to be beneficial to you.

Let me close by thanking all of you for your service to the state of Washington and for your willingness to listen to the report on the State of the Judiciary. Thank you and best wishes."

The President thanked Chief Justice Alexander for his report and again thanked the Supreme Court for the use of their chamber.

The President requested the special committee escort the Statewide Elected Officials from the chamber.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 16, 2003, the 4<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRD DAY, JANUARY 15, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FOURTH DAY**

---

House Chamber, Olympia, Thursday, January 16, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 1096 by Representatives Berkey, Pearson, Morris, Kristiansen, Sullivan, Buck, Dunshee, Cooper, Lovick, Sehlin, Bailey, Kessler and Nixon

AN ACT Relating to a business and occupation tax rate on certain FAR part 145 certificated repair stations; reenacting and amending RCW 82.04.250; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.,

Referred to Committee on Finance.

HB 1097 by Representatives Linville and Hinkle

AN ACT Relating to directing the department of ecology to conduct pilot rule making to establish and assign trust authorization credits; amending RCW 90.42.005 and 90.42.020; adding a new section to chapter 90.42 RCW; and declaring an emergency.,

Referred to Committee on Agriculture & Natural Resources.

HB 1098 by Representatives Lantz and Carrell

AN ACT Relating to the Washington nonprofit corporation act; amending RCW 24.03.005, 24.03.007, 24.03.008, 24.03.017, 24.03.020, 24.03.045, 24.03.050, 24.03.055, 24.03.080, 24.03.085, 24.03.113, 24.03.120, 24.03.135, 24.03.155, 24.03.165, 24.03.170, 24.03.183, 24.03.195, 24.03.200, 24.03.207, 24.03.215, 24.03.220, 24.03.230, 24.03.235, 24.03.240, 24.03.330, 24.03.332, 24.03.340, 24.03.345, 24.03.365, 24.03.380, 24.03.410, 24.03.425, 24.03.430, 24.03.445, 24.03.450, 24.03.460, and 24.03.465; and adding a new section to chapter 24.03 RCW.,

Referred to Committee on Judiciary.

HB 1099 by Representatives O'Brien, Nixon, Kagi, Hunt, Wallace, Benson, Cox, Anderson, Pflug, Dunshee, Fromhold, Dickerson, Ruderman, Romero, Kessler, Chase, Pearson, Kenney and Conway

AN ACT Relating to prohibiting secure community transition facilities from being sited near public and private youth camps; amending RCW 71.09.285 and 71.09.342; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; and creating a new section.,

Referred to Committee on Criminal Justice & Corrections.

HB 1100 by Representatives Linville, Schoesler, Grant, Rockefeller and Sump; by request of Department of Agriculture

AN ACT Relating to regulating the sale, processing, or purchase of agricultural products; amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.320, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; and prescribing penalties.,

Referred to Committee on Agriculture & Natural Resources.

HB 1101 by Representatives Schoesler, Linville, Grant, Rockefeller, Holmquist, Sump and Mielke; by request of Department of Agriculture

AN ACT Relating to forwarding grain when an emergency storage situation exists; and amending RCW 22.09.660.,

Referred to Committee on Agriculture & Natural Resources.

HB 1102 by Representatives Murray, Ericksen, Rockefeller, Wood and Mielke

AN ACT Relating to exchange agreements for environmental mitigation sites; and amending RCW 47.12.370.,

Referred to Committee on Transportation.

HB 1103 by Representatives Priest, Shabro, Roach, Miloscia, Uptegrove and Nixon

AN ACT Relating to siting of secure community transition facilities; amending RCW 71.09.2501, 36.70A.103, 43.21C.270, 77.55.360, and 90.58.390; creating a new section; repealing RCW 71.09.342; and declaring an emergency.,

Referred to Committee on Criminal Justice & Corrections.

HB 1104 by Representatives O'Brien, Kagi, Miloscia, Cox, Veloria, Hankins, Kirby, Kessler, Berkey, Dickerson, Mielke, Kenney and Uptegrove

AN ACT Relating to creating a risk management unit within the department of corrections; and adding a new section to chapter 72.09 RCW.,

Referred to Committee on Criminal Justice & Corrections.

HB 1105 by Representatives O'Brien, Berkey, Cox, Hatfield, Hankins, Kessler, Miloscia, Buck, Mielke, Pearson and Upthegrove

AN ACT Relating to public assistance; amending RCW 74.04.062; and adding a new section to chapter 43.43 RCW.,

Referred to Committee on Children & Family Services.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 17, 2003, the 5<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FOURTH DAY, JANUARY 16, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**FIFTH DAY**

---

House Chamber, Olympia, Friday, January 17, 2003

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages George Yousling and Becca Ball. Prayer was offered by Pastor Jim Christianson, First Presbyterian Church, Tenino.

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

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4401,  
SENATE CONCURRENT RESOLUTION NO. 8400,

**INTRODUCTION & FIRST READING**

HB 1106 by Representatives Bush, Haigh, Kenney, Miloscia, McDonald, Campbell, Cox, Edwards, Clements, Veloria, Wood, Pearson, Schindler, Mielke, Woods, Sullivan, Shabro, Roach, Benson, Buck, Condotta, Talcott, Priest, Sump, Carrell, Anderson, Lantz, Schoesler, Darneille, Nixon, Kagi, Boldt, Lovick, McDermott, Pflug, McCoy, Upthegrove and McMahan

AN ACT Relating to the secretary of state; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1107 by Representative Nixon

AN ACT Relating to siting secure community transition facilities away from campgrounds, youth camps, and private residences; amending RCW 71.09.285 and 71.09.342; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1108 by Representatives Chase, DeBolt, Lovick, Ahern, Moeller, Blake, McCoy and Eickmeyer

AN ACT Relating to establishing penalties for harming a police horse; amending RCW 9A.76.200; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1109 by Representatives Clibborn and Newhouse

AN ACT Relating to providing wildland fire fighting training; and reenacting and amending RCW 43.43.934.

Referred to Committee on State Government.

HB 1110 by Representatives Newhouse and Clibborn

AN ACT Relating to monthly pensions for volunteer fire fighters and reserve officers; amending RCW 41.24.185; reenacting and amending RCW 41.24.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1111 by Representatives Carrell, Kirby, Talcott, Conway and Roach

AN ACT Relating to public safety services provided to state hospitals; and amending RCW 35.21.779.

Referred to Committee on Local Government.

HB 1112 by Representatives Hinkle, Armstrong and Boldt

AN ACT Relating to standard of review for growth management hearings boards; and amending RCW 36.70A.320.

Referred to Committee on Local Government.

HB 1113 by Representatives Hinkle, Linville, Schoesler and Boldt

AN ACT Relating to irrigation district boards of joint control; and amending RCW 87.80.005.

Referred to Committee on Agriculture & Natural Resources.

HB 1114 by Representatives Hinkle, Murray, Armstrong, Priest and Boldt

AN ACT Relating to school or playground speed zones; and amending RCW 46.61.440.

Referred to Committee on Transportation.

HB 1115 by Representatives Morrell, Campbell, Skinner, Benson, Cody, Pflug and Schual-Berke

AN ACT Relating to establishing a pilot project to prevent and reduce disability associated with arthritis; and creating new sections.

Referred to Committee on Health Care.

HB 1116 by Representatives Dickerson and Cody

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Finance.

HB 1117 by Representatives Linville, Schoesler and Grant; by request of Department of Agriculture



AN ACT Relating to moving a web site address from statute to rule; amending RCW 15.54.340; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 1118 by Representatives O'Brien, Darneille, Lovick, Conway, Cairnes, Mielke, Pearson and Roach

AN ACT Relating to penalties for violations of the state liquor code; amending RCW 66.44.100; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1119 by Representatives Ruderman, Nixon, Haigh, McDermott, Tom, Miloscia, Clibborn, Hudgins, Cody and Hunter

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government.

HB 1120 by Representatives Romero, Wallace and Murray

AN ACT Relating to the creation of a citizen oversight panel to measure performance of the state's transportation system; and adding new sections to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 1121 by Representatives Wallace, Clibborn, Murray and Romero

AN ACT Relating to performance audits of transportation-related agencies; amending RCW 44.28.005, 44.28.088, and 44.28.091; adding new sections to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1122 by Representatives Morris, Murray and Romero

AN ACT Relating to transportation governance; amending RCW 43.17.020, 47.01.021, 47.01.041, and 47.01.071; reenacting and amending RCW 47.01.101; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 36.79.070, 47.01.051, 47.01.061, 47.01.070, 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, 47.06A.900, and 47.26.167; and providing an effective date.

Referred to Committee on Transportation.

HB 1123 by Representatives Kenney, Cox, Fromhold, Jarrett, Berkey and Chase

AN ACT Relating to creating a state financial aid account to ensure that all statewide financial aid is made available; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1124 by Representatives Conway, Haigh, Bush, Mielke and Simpson

AN ACT Relating to veterans' history awareness month; and adding a new section to chapter 73.04 RCW.

Referred to Committee on State Government.

HB 1125 by Representatives Schoesler, Linville and Cox

AN ACT Relating to exempting the slaughter, preparation, and sale of certain chickens from the state's food processing act; and amending RCW 69.07.100.

Referred to Committee on Agriculture & Natural Resources.

HB 1126 by Representatives Schoesler and Linville

AN ACT Relating to seed testing and certification fees; adding a new section to chapter 15.49 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1127 by Representatives Hatfield, Buck, Cooper, Blake, Pearson and Berkey

AN ACT Relating to the selling of commercially harvested fish; and amending RCW 77.65.510, 77.65.515, 77.65.520, and 36.71.090.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1128 by Representatives Schual-Berke, Benson, Simpson and Ruderman; by request of Insurance Commissioner

AN ACT Relating to property insurance for victims of malicious harassment; amending RCW 49.60.030; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1129 by Representatives Sommers, Haigh, Armstrong and McDermott

AN ACT Relating to information from public officials on the impact of ballot propositions; and amending RCW 42.17.130 and 42.52.180.

Referred to Committee on State Government.

HB 1130 by Representatives Fromhold, Cox, Kenney, Wallace, Moeller and Boldt

AN ACT Relating to Clark College license plates; amending RCW 46.16.313, 46.16.290, and 46.16.316; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1131 by Representatives Carrell, Roach and Talcott

AN ACT Relating to reimbursement of public entities for payments made because of criminal acts of officers, employees, or contractors; amending RCW 4.92.070, 41.28.200, 41.40.052, and 43.43.310; reenacting and amending RCW 6.15.020, 41.26.053, and 41.32.052; adding a new section to chapter 4.22 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1132 by Representatives Carrell, Armstrong, Talcott and Cairnes

AN ACT Relating to reducing the number of employees in the Washington management service; adding new sections to chapter 41.06 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1133 by Representatives Carrell, Cairnes, Kristiansen, Hinkle and McMahan

AN ACT Relating to property tax statistics; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Finance.

HB 1134 by Representatives Carrell and Talcott

AN ACT Relating to earmarking sales taxes collected by park vendors; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1135 by Representatives Carrell, Cairnes, Hinkle, Roach, Newhouse, Talcott and McMahan

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.285, 46.20.311, 46.61.024, 46.61.520, and 46.61.522; reenacting and amending RCW 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HJR 4200 by Representatives Carrell, O'Brien, Talcott, Conway, Cooper and Hinkle

Amending the Constitution to allow extended levies for law enforcement purposes.

Referred to Committee on Criminal Justice & Corrections.

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

### **REPORTS OF STANDING COMMITTEES**

January 16, 2003

HJM 4000 Prime Sponsor, Representative Morris: Supporting regional infrastructure security.  
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Sullivan, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

January 16, 2003

HJM 4003 Prime Sponsor, Representative Wallace: Requesting increased borrowing authority for the Bonneville Power Administration. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Sullivan, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the memorials listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

#### MOTION

On motion of Representative Hunt, the House adjourned until 10:00 a.m., January 20, 2003, the 8<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTH DAY, JANUARY 17, 2003

---

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

#### FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

---

---

#### EIGHTH DAY

---

House Chamber, Olympia, Monday, January 20, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Grant Loyle and Levi Lindsey. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Daryl Williams, First AME Church, Seattle. Simeon Rhoden, Seattle sang "Oh, Freedom".

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

#### RESOLUTIONS

HOUSE RESOLUTION NO. 2003-4603, by Representatives Pettigrew, Clibborn, Moeller, Rockefeller, McIntire, Hudgins, Jarrett, McCoy, Voloria, Condotta, Skinner, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen,

Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood and Woods

WHEREAS, January 20, 2003, has been designated as the holiday on which we, as a nation, and as a state, remember and honor the life and work of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's life and political philosophy advocated the need for men and women to strive to overcome oppression without resorting to violence; and

WHEREAS, His philosophy of nonviolence and civil disobedience was based on the life and teachings of Mohandas K. Gandhi; and

WHEREAS, Dr. Martin Luther King, Jr. advanced his goals and principles with determination, faith, dignity, and courage in the face of life-threatening opposition; and

WHEREAS, Dr. Martin Luther King, Jr. was jailed several times throughout his struggle to bring to all people the opportunity to live free of racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. King raised the consciousness of the nation and of our state to fundamental injustices and inequalities in American society and moved us forward on the long and unfinished road to racial harmony and reconciliation; and

WHEREAS, Dr. Martin Luther King, Jr., a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and was awarded the 1964 Nobel Peace Prize; and

WHEREAS, Dr. King's untimely death deeply grieved both our nation and the state of Washington; and

WHEREAS, Dr. King's efforts were recognized by the Congress of the United States, which created a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. King's work and legacy were further recognized by the state of Washington, which honors his remembrance as a state holiday; and

WHEREAS, There is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities and in creating a color-blind society;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, recognize the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America and of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the state of Washington to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people; and

BE IT FURTHER RESOLVED, That the House of Representatives honor his memory by urging all of the citizens of our state to make Martin Luther King, Jr. Day a day of service - a day on, not a day off.

Representative Pettigrew moved the adoption of the resolution.

Representatives Pettigrew, Skinner, Dickerson, Sump, Nixon, Flannigan, Miloscia and DeBolt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4603 was adopted.

HOUSE RESOLUTION NO. 2003-4604, by Representatives Priest, Anderson, Shabro, Woods, McMorris, Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Quall, Roach,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace and Wood

WHEREAS, 2003 is the 100th anniversary of Korean Immigration to the United States; and

WHEREAS, In December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii, on January 13, 1903; and

WHEREAS, Korean-Americans, like waves of immigrants to the United States before them, have taken root and thrived in the United States through strong family ties, robust community support, and countless hours of hard work; and

WHEREAS, Korean-Americans have followed the time-worn formula for immigrant success - strong family ties, an indefatigable work ethic, a willingness to endure grueling hours and work for low wages or profits in hopes of success later, and the extensive use of family labor, essential in highly competitive markets; and

WHEREAS, Korean-American's devotion to family is part of their "social capital" with parents sacrificing for their children and expecting them to reciprocate by helping take care of family and one's elders; and

WHEREAS, The over 100,000 Korean-Americans living in Washington State, most of whom are United States citizens, have made substantial contributions to their communities through numerous special projects and have invigorated business, church, and academic interests in the United States; and

WHEREAS, Members of the early Korean-American community served with distinction in the Armed Forces of the United States during World War I, World War II, the Korean Conflict, and the Vietnam War; and

WHEREAS, On June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the involvement of approximately 5,720,000 personnel of the United States Armed Forces who served during the Korean Conflict to defeat the spread of communism in Korea and throughout the world; and

WHEREAS, Casualties in the United States Armed Forces during the Korean Conflict included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

WHEREAS, Korea is Washington's fourth largest trading partner and our state exported over 2.1 billion dollars in goods to Korea in 2001; and

WHEREAS, Korean-American business owners have proved that the American Dream is still alive by pursuing the American work ethic in a wonderfully disciplined way with such unflagging enterprise, multiplied many times over, powerfully boosting the economy of Washington state over the years; and

WHEREAS, Korean-Americans have the highest rate of entrepreneurship in the country with almost 30 percent of Korean-American men and 20 percent of Korean-American women owning their own businesses; and

WHEREAS, Korean-Americans own and operate approximately 3,500 businesses in Washington that have gross sales and receipts of \$1,500,000,000 annually, pay \$180,000,000 in taxes per year, and employ approximately 10,000 Washingtonians; and

WHEREAS, The contributions of Korean-Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, the development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, government, architecture, education, medicine, acting, singing, sculpture, and writing; and

WHEREAS, Korean-Americans share a trait that both propels them to the United States and ensures their success here, a passion for education, and this commitment to learning results in high literacy rates and high school graduation rates; and

WHEREAS, The State of Washington has and continues to benefit tremendously from the contributions of Korean immigrants and Korean-Americans; and

WHEREAS, The Korean-American community maintains close ties with Korea and, at the same time, continues to establish and strengthen their relationships to the United States; and

WHEREAS, Beginning in 2003, communities throughout the State of Washington will celebrate the 100th anniversary of Korean immigration to the United States;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State recognize and express its appreciation for the numerous outstanding achievements and contributions Korean-Americans have made which have enriched communities throughout Washington

State and around the country and encourage citizens and organizations throughout Washington to join the celebration of the 100th anniversary of Korean Immigration to the United States with appropriate programs, ceremonies, and activities.

HOUSE RESOLUTION NO. 4604 was adopted.

HOUSE RESOLUTION NO. 2003-4602, by Representatives Lovick, Dunshee, Pearson, Cooper, Quall, O'Brien, Sullivan, Berkey, McCoy, Sehlin, Ahern, Bailey and Blake

WHEREAS, It is the policy of the legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Archbishop Murphy High School Wildcats won the 2002 Class A State Football Championship; and

WHEREAS, The Archbishop Murphy High School Wildcats football program was begun only three seasons ago by coach Terry Ennis; and

WHEREAS, The Archbishop Murphy High School Wildcats set a Class A state championship game rushing record with 466 yards, breaking the old record of 411 set by Ridgefield in 1995;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Archbishop Murphy High School Wildcats football team and Coach Terry Ennis for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Terry Ennis, the members of the Wildcats football team, and the principal of Archbishop Murphy High School.

HOUSE RESOLUTION NO. 4602 was adopted.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Buck observed that unauthorized persons had obtained access to pink slips and requested that the Chief Clerk verify members' signatures before adding their names as co-sponsors.

#### **SPEAKER'S REMARKS**

The Speaker (Representative Lovick presiding): "Thank you, Mr. Buck. We will ask the Chief Clerk to review our pink slip procedure."

#### **MESSAGE FROM THE SENATE**

January 17, 2003

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

#### **INTRODUCTION & FIRST READING**

HB 1136 by Representatives Flannigan, Ericksen, Armstrong, McIntire, Condotta, Wallace, Dunshee and Cooper

AN ACT Relating to implementing the recommendations of the state parks and outdoor recreation funding task force relating to the use of the outdoor recreation account; and amending RCW 79A.15.050.

Referred to Committee on Capital Budget.

HB 1137 by Representatives Wallace, Ericksen, Grant, Armstrong, Dunshee, Cooper, Moeller, Haigh, Lantz and Rockefeller

AN ACT Relating to creating the corps of discovery pass for Lewis and Clark parks; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1138 by Representatives McIntire, Ericksen, Armstrong, Dunshee, Cooper, Anderson, O'Brien, Haigh, Kenney, Lantz, McDermott and Chase

AN ACT Relating to the state parks and outdoor recreation funding task force; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1139 by Representatives McIntire, Ericksen, Armstrong, Wallace, Dunshee, Cooper, Anderson, O'Brien, Haigh, Kenney, Lantz, Morrell, Rockefeller and Chase

AN ACT Relating to the evergreen recreation pass; amending RCW 77.32.380 and 4.24.210; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79A.05 RCW; adding a new chapter to Title 79A RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1140 by Representatives McIntire, Dunshee, Cooper, Moeller, Wood, Lantz and Chase

AN ACT Relating to operation and maintenance of open space, agricultural, and timber lands acquired through the conservation futures program; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Local Government.

HB 1141 by Representatives McIntire, Dunshee, Cooper, O'Brien, Kenney, Lantz, Hudgins, Kagi, Chase and Upthegrove

AN ACT Relating to making the construction, development, or major rehabilitation of public parks eligible for loans or guarantees through the public works assistance account; and amending RCW 43.155.020.

Referred to Committee on Capital Budget.

HB 1142 by Representatives McIntire, Armstrong, Dunshee, Cooper, O'Brien, Kenney, Linville, Kagi and Chase

AN ACT Relating to state parks and outdoor recreation funding; amending RCW 82.49.010, 82.49.030, 82.49.040, 82.49.050, 82.49.060, and 82.49.065; adding new sections to chapter 79A.25 RCW; adding new sections to chapter 82.49 RCW; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1143 by Representatives Carrell, Talcott, McMahan, Haigh and Mielke

AN ACT Relating to enhancing school safety through information sharing between schools and juvenile justice and care agencies; and reenacting and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.



HB 1144 by Representatives Haigh, Sump, Cooper, Armstrong, Pearson, McDermott and Chase; by request of Department of Fish and Wildlife

AN ACT Relating to the use of controlled substances by the department of fish and wildlife; adding a new section to chapter 69.50 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1145 by Representatives Eickmeyer, Delvin, Pettigrew, Carrell, Upthegrove, Haigh and McMahan

AN ACT Relating to the placement of juveniles under the age of eighteen who have been convicted as adults; and amending RCW 72.01.410.

Referred to Committee on Juvenile Justice & Family Law.

HB 1146 by Representatives Berkey, Romero, Jarrett, Miloscia, Schindler, McDonald, Benson, Mielke, Wallace, Linville, Wood, Kessler, Chase and McMahan

AN ACT Relating to the membership of the affordable housing advisory board; and amending RCW 43.185B.020.

Referred to Committee on Trade & Economic Development.

HB 1147 by Representatives Dickerson, Delvin, McDonald, O'Brien, Kagi and Chase

AN ACT Relating to creating a youthful offender sentencing alternative; amending RCW 9.94A.585, 9.94A.585, and 13.40.300; reenacting and amending RCW 9.94A.505, 9.94A.505, and 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

HB 1148 by Representatives Dickerson, Delvin and O'Brien

AN ACT Relating to the interstate compact for juveniles; adding a new section to chapter 13.24 RCW; repealing RCW 13.24.010; and providing a contingent effective date.

Referred to Committee on Juvenile Justice & Family Law.

HB 1149 by Representatives Alexander, Schindler and McMahan

AN ACT Relating to post judgment interest on tort judgments; and amending RCW 4.56.115 and 4.56.110.

Referred to Committee on Judiciary.

HB 1150 by Representatives Hatfield, Cairnes, Roach, Cooper, Benson, Haigh, Schual-Berke and Simpson; by request of Insurance Commissioner

AN ACT Relating to the sale of single premium credit insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1151 by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Upthegrove

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1152 by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin and Anderson; by request of Secretary of State

AN ACT Relating to funding of the archives division; amending RCW 40.14.025, 40.14.027, and 36.22.175; and adding new sections to chapter 40.14 RCW.

Referred to Committee on State Government.

HB 1153 by Representatives Haigh, Miloscia, Armstrong, Hunt, Nixon, Shabro and Mielke; by request of Secretary of State

AN ACT Relating to the confidential nature of public records transferred to the state archives; and amending RCW 40.14.030.

Referred to Committee on State Government.

HB 1154 by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin, Tom, Wallace, Conway and McDermott; by request of Secretary of State

AN ACT Relating to funding and expenditures of the secretary of state; amending RCW 42.17.710; adding new sections to chapter 43.07 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 1155 by Representatives Hunt, Armstrong, Ruderman, McDermott, Tom, Nixon, Wallace, Shabro, Haigh, Rockefeller, Anderson, McCoy, Kenney, Mielke, Linville, Conway, Hudgins, Woods, Kagi, Chase and Upthegrove; by request of Secretary of State

AN ACT Relating to a pilot project for military and overseas voters to vote over the Internet; and creating a new section.

Referred to Committee on State Government.

HB 1156 by Representatives Miloscia, Armstrong, Ruderman, Hunt, Kenney, Nixon, Shabro, Haigh, Rockefeller, Cairnes, Simpson, McDermott, Tom, Moeller, Anderson, O'Brien, Benson, Carrell, Mielke, Schual-Berke, Wallace, Hudgins, Kessler, Campbell and Upthegrove; by request of Secretary of State

AN ACT Relating to the timely mailing of absentee and mail ballots; amending RCW 29.36.270, 29.38.010, and 29.38.020; and creating a new section.

Referred to Committee on State Government.

HB 1157 by Representatives Hunt, Armstrong, Shabro, McDermott, Tom, Haigh, Clements, Cairnes, Simpson, Kenney, Schual-Berke and Upthegrove; by request of Secretary of State

AN ACT Relating to actions on the validity of ballot measures; and adding a new section to chapter 4.24 RCW.

Referred to Committee on State Government.

HB 1158 by Representatives Miloscia, Shabro, Hunt, Haigh, McDermott, Tom and Kenney; by request of Secretary of State

AN ACT Relating to voting systems certification; amending RCW 29.33.041, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.350, 29.04.200, and 29.85.051; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.85 RCW; repealing RCW 29.33.340; and prescribing penalties.

Referred to Committee on State Government.

HB 1159 by Representatives Miloscia, Armstrong, Hunt, Tom, Shabro, Haigh and McDermott; by request of Secretary of State

AN ACT Relating to reorganization of statutes on elections; amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055, 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170, 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050, 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092, 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080, 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127, 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070, 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190, 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130, 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040, 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360, 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100, 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020, 29.45.030, 29.45.050, 29.45.070, 29.45.120, 29.38.040, 29.38.060, 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080, 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040, 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100, 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030, 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010, 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160, 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100, 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136, 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047, 29.60.030, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.030, 29.10.011, 29.08.060, 29.08.030, 29.07.160, 29.07.230, 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097, 29.10.110, 29.10.180, 29.10.015, 29.10.071, 29.10.075, 29.10.200, 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130, 29.10.140, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.340, 29.33.360, 29.04.055, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.045, 29.24.055, 29.24.060, 29.15.130, 29.15.140, 29.15.044, 29.15.020, 29.15.040, 29.15.050, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210, 29.15.170, 29.15.180, 29.15.200, 29.15.230, 29.04.190, 29.68.070, 29.81.210, 29.81.220, 29.81.230, 29.81.240, 29.81.250, 29.81.260, 29.81.280, 29.81.290, 29.81.300, 29.81A.030, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.010, 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.085, 29.30.086, 29.30.095, 29.30.101, 29.30.111, 29.30.130,

29.36.210, 29.36.230, 29.36.240, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.51.010, 29.51.180, 29.51.190, 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.48.030, 29.07.170, 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.070, 29.51.250, 29.07.180, 29.48.080, 29.48.045, 29.54.093, 29.51.115, 29.51.155, 29.45.040, 29.45.060, 29.45.065, 29.45.080, 29.45.090, 29.45.100, 29.45.110, 29.38.010, 29.38.020, 29.38.030, 29.38.050, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.27.050, 29.27.072, 29.27.074, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.015, 29.82.023, 29.82.060, 29.82.090, 29.82.100, 29.82.105, 29.82.130, 29.82.160, 29.71.020, 29.27.140, 29.74.020, 29.74.040, 29.74.050, 29.74.080, 29.74.120, 29.74.140, 29.74.150, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.27.120, 29.36.330, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.04.030, 29.65.050, 29.65.055, 29.65.070, 29.65.120, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.140, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.270, 29.79.280, 29.79.290, 29.70.100, 29.15.026, 29.42.040, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.15.080, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.010, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030, 29.91.040, 29.91.050, 29.13.023, and 29.13.024; adding new sections to chapter 35.22 RCW; adding a new title to the Revised Code of Washington to be codified as Title 29A RCW; creating new sections; recodifying RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081, 29.07.092, 29.07.160, 29.07.152, 29.07.030, 29.07.230, 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040, 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100, 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220, 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240, 29.10.125, 29.10.127, 29.10.130, 29.10.140, 29.10.150, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.340, 29.33.350, 29.33.360, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.04.055, 29.48.005, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.060, 29.24.070, 29.15.130, 29.15.140, 29.15.010, 29.15.044, 29.15.020, 29.15.090, 29.15.030, 29.15.040, 29.15.

Referred to Committee on State Government.

HB 1160 by Representatives Miloscia, Armstrong, Wallace, Tom, Shabro, Haigh, McDermott and Anderson; by request of Secretary of State

AN ACT Relating to election crimes and penalties; amending RCW 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440, 29.79.490, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.110, 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225; reenacting RCW 29.79.500; adding a new chapter to Title 29 RCW; recodifying RCW 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440, 29.79.490, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.110, 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225; repealing RCW 29.07.405, 29.15.080, 29.15.100, 29.15.110, 29.38.070, 29.51.030, 29.51.230, 29.79.170, 29.79.480, 29.82.170, 29.82.210,

29.82.220, 29.85.010, 29.85.051, 29.85.230, and 29.85.249; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

HB 1161 by Representatives McDermott, Shabro, Tom, Anderson, Kenney, Wallace and Linville; by request of Secretary of State

AN ACT Relating to the election account; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1162 by Representative Murray; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; amending 2002 c 359 ss 207, 208, 210, 211, 212, 213, 214, 215, 223, 226, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 1163 by Representative Murray; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1164 by Representatives Kessler, Pflug, Ruderman, Alexander, Cody, Moeller, Campbell, Clibborn, Morrell, Armstrong, Clements, Delvin, McDonald, Berkey, Haigh, Kenney, Hankins, Conway, Rockefeller, Simpson, Chase and McMahan

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health Care.

HB 1165 by Representatives Dunshee and Alexander; by request of Governor Locke

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2001 2nd sp.s. c 8 s 158 (uncodified); amending 2002 c 238 ss 109 and 202 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2002 c 238 s 204 (uncodified); and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1166 by Representatives Haigh, Sullivan, McCoy, Kenney, Simpson and Chase

AN ACT Relating to the lieutenant governor; and amending RCW 43.43.035.

Referred to Committee on State Government.

HB 1167 by Representatives Veloria, Roach, Kenney, DeBolt, Eickmeyer, Anderson, Chase and Upthegrove

AN ACT Relating to funding and expenditures for legislative trade hosting and mission activities; amending RCW 42.52.150; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Trade & Economic Development.

HB 1168 by Representatives Hunt, Haigh, Romero and McDermott

AN ACT Relating to initiative and referendum petitions; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1169 by Representatives Hunt, Haigh, Tom, McDermott, Romero and Wallace

AN ACT Relating to initiative and referendum petitions; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1170 by Representatives Romero, Hunt, Cooper, Simpson and Chase

AN ACT Relating to day-care facility location restrictions; amending RCW 35.63.185, 35A.63.215, and 36.70A.450; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1171 by Representatives Romero, Moeller, Upthegrove, Cooper, Simpson, Jarrett, Ruderman, O'Brien, Cody, Linville, Kagi and Chase

AN ACT Relating to establishing green building programs; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

HB 1172 by Representatives Romero, Haigh, Hunt, Upthegrove and McDermott

AN ACT Relating to initiative qualifications; amending RCW 29.79.120; and providing a contingent effective date.

Referred to Committee on State Government.

HB 1173 by Representatives Veloria, Conway and Chase

AN ACT Relating to the office of the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Referred to Committee on Trade & Economic Development.

HB 1174 by Representatives Veloria, Lantz, Kenney and McMahan

AN ACT Relating to trafficking; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1175 by Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan and Upthegrove

AN ACT Relating to trafficking persons; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding new sections to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1176 by Representatives Schual-Berke, Kagi, Conway, Hunter, Ruderman, Dunshee, Linville, McCoy, Kenney, Fromhold, McIntire, Cody, Miloscia, Chase, Hunt, Moeller, Hatfield, Berkey, O'Brien, Darneille, Cairnes, Sommers, Wallace, Clibborn, Wood, Lantz, Hudgins, Kessler, Pettigrew, Morrell, McDermott, Rockefeller, Simpson and Upthegrove

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

Referred to Committee on Education.

HB 1177 by Representatives Morris and Quall

AN ACT Relating to tolls on the major mountain pass highways; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

HB 1178 by Representatives Schual-Berke, Skinner, Cody, Hankins, Moeller, Chase, Darneille, Upthegrove, Hunt, McCoy, Grant, Cooper, Clibborn, Ruderman, Kenney, Wallace, Lantz, Hudgins, Pettigrew, Morrell, McDermott, Jarrett, Romero, Haigh, Hunter, Kagi, Conway and Simpson

AN ACT Relating to medically accurate information in sex education courses; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1179 by Representatives Veloria, Roach, Bush, Kenney, Kessler, Grant and Chase; by request of Lieutenant Governor

AN ACT Relating to modifying the name of the legislative committee on economic development; and amending RCW 44.52.010.

Referred to Committee on Trade & Economic Development.

HB 1180 by Representatives Cody, Pflug, Chase, McDonald, Hunt, Dickerson, Moeller, Berkey, O'Brien, Miloscia, Haigh, Kenney, Cairnes, Sommers, Wallace, Veloria, Pearson, Kessler, Pettigrew, Morrell, McDermott, Rockefeller, Campbell and Kagi; by request of Governor Locke

AN ACT Relating to prescription drugs to seniors; adding a new section to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1181 by Representatives Edwards, Pflug, Cody, Hunt, Moeller, O'Brien, Kenney, Schual-Berke, Wallace, Lantz, Conway, Morrell, Campbell and Chase

AN ACT Relating to reporting of prescription drug pricing; adding a new section to chapter 41.05 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1182 by Representatives Delvin and Mielke

AN ACT Relating to hauling construction, demolition, and land clearing debris; and adding a new section to chapter 81.77 RCW.

Referred to Committee on Transportation.

HB 1183 by Representative Delvin

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.734, 9.94A.640, 9.94A.650, 46.20.720, 46.61.502, 46.61.504, and 46.61.5151; reenacting and amending RCW 9.94A.030, 9.94A.515, 9.94A.515, 9.94A.525, and 46.61.5055; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1184 by Representatives Armstrong, Miloscia, Hinkle, Carrell, Condotta, Cairnes, Newhouse, Delvin, Anderson, Haigh, Mielke, Schoesler, Ruderman, Schindler and McMahan

AN ACT Relating to managers under the state civil service law; amending RCW 41.06.022; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 1185 by Representatives Rockefeller, Jarrett, Morris, Alexander, Ruderman, Berkey, Haigh, Wallace, Linville, Wood, Lantz, Conway, Kessler, Morrell, Kenney, Simpson and Upthegrove

AN ACT Relating to performance reviews; amending RCW 44.28.005; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1186 by Representatives Boldt and Mielke

AN ACT Relating to legal services reform; amending RCW 2.48.210, 2.48.220, and 2.48.230; and adding new sections to chapter 2.48 RCW.

Referred to Committee on Judiciary.

HB 1187 by Representative Boldt

AN ACT Relating to increasing the seriousness level for first degree rape; reenacting and amending RCW 9.94A.515 and 9.94A.515; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.



HB 1188 by Representatives Boldt, Mielke and McMahan

AN ACT Relating to restoring the balance of powers between the branches of government as established by the people in the state Constitution; adding a new chapter to Title 44 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1189 by Representatives Alexander, Cody, Skinner, Schual-Berke, Pflug, Morrell, Moeller, Darneille, Clibborn, Campbell and Bailey

AN ACT Relating to public hospital district recruitment and training; and amending RCW 70.44.060.

Referred to Committee on Health Care.

HB 1190 by Representatives Quall, Tom, Grant, Talcott, Benson, Ahern, Shabro, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Linville, Pearson, Kessler, Cairnes and Mastin

AN ACT Relating to classified staff in alternative certification programs; amending RCW 28A.660.040; and providing an expiration date.

Referred to Committee on Education.

HB 1191 by Representatives Fromhold, Cox, Moeller, Talcott, Wallace, Pflug, Grant, Lovick, Dunshee, Anderson, Delvin, McCoy, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schual-Berke, Linville, Lantz, Pearson, Kessler, Morrell, Cairnes and Simpson

AN ACT Relating to offering health care benefit plans to school district employees; amending RCW 41.05.065; and reenacting and amending RCW 41.05.050.

Referred to Committee on Appropriations.

HB 1192 by Representatives Cody, Pflug, Clibborn, Lovick, McDonald, Dunshee, Delvin, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Cairnes, Mastin and Grant

AN ACT Relating to regulating the catheterization of students; and amending RCW 28A.210.280.

Referred to Committee on Health Care.

HB 1193 by Representatives Quall, Talcott, McDermott, Cox, Benson, Ahern, Hunter, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Rockefeller, Cairnes, Mastin, Grant, Kagi and Upthegrove

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

Referred to Committee on Education.

HB 1214 by Representatives Cody, Pflug, Conway, Cooper, McCoy, Berkey, Veloria, Schual-Berke, Bush, Lovick, Hunt, Campbell, Kirby, Hudgins, Dickerson, Pettigrew, Pearson,

Wood, Fromhold, Upthegrove, Schindler, McDermott, Wallace, Rockefeller, Morrell, Simpson, Anderson, McMahan, Darneille, Chase, Woods and Clements; by request of Governor Locke

AN ACT Relating to prescription drugs; adding a new section to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HJM 4006 by Representatives Miloscia, Armstrong, Hunt, Shabro, Haigh, McDermott, Tom, Moeller, Benson and Wallace; by request of Secretary of State

Proposing a regional presidential primary.

Referred to Committee on State Government.

HJR 4201 by Representatives Romero, Haigh, Hunt, Upthegrove and McDermott

Reducing signatures required for an initiative to the legislature.

Referred to Committee on State Government.

HJR 4202 by Representatives Schual-Berke, Kagi, Conway, Hunter, Ruderman, Dunshee, Linville, McCoy, Kenney, Fromhold, McIntire, Cody, Miloscia, Hunt, Hatfield, Berkey, O'Brien, Darneille, Cairnes, Wallace, Clibborn, Wood, Lantz, Sommers, Kessler, Pettigrew, McDermott, Rockefeller and Upthegrove

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies and bond measures.

Referred to Committee on Education.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 21, 2003, the 9<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTH DAY, JANUARY 20, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**NINTH DAY**

---

House Chamber, Olympia, Tuesday, January 21, 2003

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

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

### **INTRODUCTION & FIRST READING**

HB 1194 by Representatives Delvin, Condotta, Nixon, Anderson, Bush, Sump, McMahan, Roach, Crouse, Holmquist, Schindler, Boldt, Buck, Hinkle, Campbell, Pearson, Upthegrove and Mielke

AN ACT Relating to requiring the teaching of the relationship of the Declaration of Independence to the constitutions of the United States and Washington state; amending RCW 28A.230.170; adding a new section to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 1195 by Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan

AN ACT Relating to rock climbing; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Judiciary.

HB 1196 by Representatives Simpson and Cairnes

AN ACT Relating to payment agreements; and amending RCW 39.96.020.

Referred to Committee on Local Government.

HB 1197 by Representatives Pflug, Conway, Simpson, Alexander, Cooper and Delvin; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 1198 by Representatives Pflug and Conway; by request of Joint Committee on Pension Policy

AN ACT Relating to determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards; and amending RCW 41.16.010, 41.16.020, and 41.26.110.

Referred to Committee on Appropriations.

HB 1199 by Representatives Fromhold, Pflug, Simpson, Alexander, Cooper, Delvin, Conway, Bush, Anderson and Darneille; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

HB 1200 by Representatives Conway, Pflug and Cooper; by request of Joint Committee on Pension Policy

AN ACT Relating to correcting retirement system statutes; amending RCW 41.04.450, 41.26.195, 41.26.460, 41.31A.020, 41.35.640, 41.40.660, 41.40.748, 41.40.801, 41.40.845, 41.45.060, 41.50.110, 41.50.700, 41.54.030, 43.43.271, 43.43.295, and 44.44.040; and providing an effective date.

Referred to Committee on Appropriations.

HB 1201 by Representatives Conway and Fromhold; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing a member holding state elective office the option during each term of office of membership or retirement and beginning their retirement allowance in the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; and amending RCW 41.26.030, 41.32.010, 41.32.263, 41.35.030, and 41.40.023.

Referred to Committee on Appropriations.

HB 1202 by Representatives Simpson, Cooper, Delvin, Conway, Pflug, Hinkle, McDermott and Chase; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2; adding a new section to chapter 41.26 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1203 by Representatives Conway, Delvin, Fromhold, Simpson, Pflug, Cooper, Bush, Upthegrove, Anderson and Chase; by request of Joint Committee on Pension Policy

AN ACT Relating to providing optional service credit for substitute service to members of the school employees' retirement system; amending RCW 41.35.010 and 41.35.030; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

HB 1204 by Representatives Fromhold, Delvin, Conway, Alexander, Pflug, Anderson, Cooper and Chase; by request of Joint Committee on Pension Policy

AN ACT Relating to creating the select committee on pension policy; amending RCW 41.50.110, 44.44.040, 41.40.037, 41.45.020, 41.45.090, 44.04.260, and 44.44.030; reenacting and amending RCW 41.32.570; adding new sections to chapter 41.04 RCW; decodifying RCW 41.54.061; and repealing RCW 44.44.015, 44.44.050, and 44.44.060.

Referred to Committee on Appropriations.

HB 1205 by Representatives Conway, Delvin, Simpson, Alexander, Cooper and Chase; by request of Joint Committee on Pension Policy

AN ACT Relating to department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service; amending RCW 41.26.030 and 77.15.075; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1206 by Representatives Pflug and Conway; by request of Joint Committee on Pension Policy

AN ACT Relating to public employees', teachers', and school employees' retirement systems plan 3 member contribution rates; and amending RCW 41.34.040.

Referred to Committee on Appropriations.

HB 1207 by Representatives Alexander, Conway, Cooper, Simpson, Delvin and Campbell; by request of Joint Committee on Pension Policy

AN ACT Relating to providing a death benefit for certain public employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Appropriations.

HB 1208 by Representatives Cooper, Pflug, Conway, Simpson and Upthegrove; by request of Joint Committee on Pension Policy

AN ACT Relating to paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Appropriations.

HB 1209 by Representatives Conway, Cooper, Bush, Rockefeller and Haigh; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system to begin receiving benefits without leaving service at age seventy and one-half; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1210 by Representatives O'Brien, Buck, Haigh, Mielke, Conway and Campbell; by request of Governor Locke and Attorney General

AN ACT Relating to terrorism offenses; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, and 9A.04.080; reenacting and amending RCW 9A.82.010, 9.94A.515, 9.94A.515, 13.40.0357, and 9.94A.030; adding a new chapter to Title 9A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1211 by Representatives Conway, Chandler, Kenney, Wood, Hudgins, Cooper, Voloria, Schual-Berke, Lovick, Kirby, Dickerson, Upthegrove, McDermott, Rockefeller, Morrell, Murray, Simpson, Darneille, Chase, Cody and Ruderman

AN ACT Relating to accountability requirements under the public accountancy act; amending RCW 18.04.025, 18.04.195, 18.04.215, 18.04.295, 18.04.390, 18.04.370, and 18.04.405; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1212 by Representatives Haigh, Armstrong, Hunter, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Conway, Cooper, Lantz, McCoy, Veloria, Schual-Berke, Lovick, Ruderman, Hunt, Kirby, Hudgins, Dickerson, Pettigrew, Wood, Upthegrove, Morrell, Simpson, Darneille and Chase

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

Referred to Committee on Education.

HB 1213 by Representatives Haigh, Armstrong, Morris, Hatfield, Linville, Ruderman and Rockefeller; by request of Governor Locke

AN ACT Relating to the elimination of boards and commissions; amending RCW 79A.25.220, 79A.05.385, 79A.05.400, 79A.05.410, 79A.25.800, 79A.25.820, and 41.60.150; adding a new section to chapter 43.41 RCW; creating new sections; repealing RCW 41.05.150, 43.175.010, 43.175.020, 43.175.901, 79A.05.420, 79A.25.810, 41.60.010, 41.60.015, 41.60.020, 41.60.030, 41.60.041, 41.60.050, 41.60.080, 41.60.100, 41.60.110, 41.60.120, 41.60.160, 41.60.910, and 41.60.911; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 1215 by Representatives O'Brien, Sullivan, Ahern, Hunt, Crouse, McMahan, Berkey, Conway and Chase

AN ACT Relating to penalties for acts of fraud committed against elderly persons; amending RCW 9A.60.010 and 19.86.010; adding a new section to chapter 9A.60 RCW; adding new sections to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1216 by Representatives Pearson, Kagi, Ahern, O'Brien, Delvin, Lovick and Miloscia

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

Referred to Committee on State Government.

HB 1217 by Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin

AN ACT Relating to speeding infractions in communities organized under chapter 64.38 RCW; and amending RCW 46.61.005.

Referred to Committee on Judiciary.

HB 1218 by Representatives Lovick, Mielke, O'Brien, Ahern, Kagi, Wallace, Darneille, Miloscia, Pearson, Delvin, Romero, Moeller, Dickerson, Rockefeller, Haigh, Kirby, Pettigrew, Chase, Veloria, Quall, McDermott, Dunshee, McCoy and Hunt

AN ACT Relating to the creation of a statewide first responder building mapping information system; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on State Government.

HB 1219 by Representatives Schual-Berke, Benson, Anderson, Upthegrove, Rockefeller and Simpson; by request of Governor Locke

AN ACT Relating to violations connected with the offer, sale, or purchase of securities; amending RCW 43.320.110, 21.20.400, 21.20.410, 21.20.110, 21.20.390, and 21.20.395; adding a new section to chapter 43.320 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1220 by Representatives Schindler, Anderson, Upthegrove, McMahan, Haigh, Cox, Quall, Benson, Ruderman, Hinkle and Simpson

AN ACT Relating to confidential information for students in private schools and students receiving home-based instruction; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1221 by Representatives Dickerson, Conway, Kenney, Romero, Wood, Campbell, Cody, McCoy, Hudgins, McDermott and Simpson

AN ACT Relating to requiring minimum paid time off from employment; amending RCW 49.12.005, 49.12.280, 49.12.285, 49.12.287, and 49.12.290; adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1222 by Representatives Dickerson, Ruderman, Lovick, Romero, Schual-Berke, Hunt, Nixon, Wood, Conway, Simpson, Chase and Haigh

AN ACT Relating to voter accessibility; and adding a new section to chapter 29.33 RCW.

Referred to Committee on State Government.

HB 1223 by Representatives Dickerson, Kagi, Chase, Cody and Lovick

AN ACT Relating to placing jurisdiction over deceased minors with the county coroner; amending RCW 68.50.010 and 68.50.105; and adding a new section to chapter 68.50 RCW.

Referred to Committee on Children & Family Services.

HB 1224 by Representative Nixon

AN ACT Relating to replacement of license plates; and amending RCW 46.16.233.

Referred to Committee on Transportation.

HB 1225 by Representatives Lantz, Carrell, McMahan, Moeller, Campbell, Lovick and Chase; by request of Attorney General

AN ACT Relating to communication with a minor for immoral purposes; and amending RCW 9.68A.090.

Referred to Committee on Judiciary.

HB 1226 by Representatives Moeller, Campbell, Lantz and Carrell

AN ACT Relating to service of summons for persons who cannot be found in this state; and amending RCW 46.64.040.

Referred to Committee on Judiciary.

HB 1227 by Representatives Pflug, Wood, Conway and Chandler

AN ACT Relating to promotional contests of chance; and amending RCW 9.46.0356.

Referred to Committee on Commerce & Labor.

HB 1228 by Representatives Haigh, Conway, Miloscia, Bush, Armstrong, Hunt, Wallace, McDermott, Shabro, Tom, Nixon, McCoy, Simpson, Campbell, Wood and Chase

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

Referred to Committee on State Government.

HB 1229 by Representatives Quall, Cox, Haigh, Tom, McDermott, Talcott, Hunter, Ruderman and Rockefeller

AN ACT Relating to teacher cottages in second class school districts; and amending RCW 28A.335.240 and 28A.335.130.

Referred to Committee on Education.

HB 1230 by Representatives Simpson, Benson, Schual-Berke, Conway, Cooper, Ruderman and Rockefeller; by request of Insurance Commissioner

AN ACT Relating to insurable interests and employer-owned life and disability insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1231 by Representatives Romero, Schindler, Upthegrove, Jarrett, Clibborn, Armstrong, Hatfield, Clements, Moeller, Mielke, Morris, Ericksen, Berkey, Roach, Simpson, Linville, Fromhold, Dunshee, Kirby, Ruderman, Hunt, Nixon, McDermott, Holmquist, Anderson and Chase

AN ACT Relating to providing a new direct petition annexation method; amending RCW 35.21.005 and 35A.01.040; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

HB 1232 by Representatives Kirby, Carrell and Clements

AN ACT Relating to jail booking fees; and amending RCW 70.48.390.

Referred to Committee on Criminal Justice & Corrections.



HB 1233 by Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh

AN ACT Relating to improving services for kinship caregivers; adding new sections to chapter 74.15 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1234 by Representatives Pettigrew, Veloria, McCoy, Conway and Chase

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1235 by Representatives Sommers and Fromhold; by request of Governor Locke

AN ACT Relating to fiscal matters; amending 2002 c 371 ss 108, 109, 110, 112, 113, 117, 122, 123, 125, 127, 128, 133, 137, 143, 145, 147, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 215, 218, 219, 220, 221, 224, 302, 303, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 701, 703, 704, 712, 730, 726, and 802 (uncodified); amending 2001 2nd. sp.s. c 7 s 506 (uncodified); adding new sections to 2001 2nd sp.s. c 7 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1236 by Representatives Kagi, Boldt, Pettigrew, Darneille, Moeller, Clibborn, Roach, Armstrong, Jarrett, Lantz, Kenney, Benson, Shabro, Anderson and Mielke

AN ACT Relating to public access to child dependency hearings; and amending RCW 13.34.115.

Referred to Committee on Children & Family Services.

HB 1237 by Representatives Pearson, O'Brien, Sump, Miloscia, Kristiansen, Berkey, McDonald, Anderson, Sullivan, Delvin, Pflug, Bailey, Priest, Bush, Benson, Condotta, Campbell, McMahan, Haigh and Woods

AN ACT Relating to registered sex offenders in schools; amending RCW 9A.44.130 and 4.24.550; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 1238 by Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1239 by Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller

AN ACT Relating to the commercial harvest of geoduck clams; amending RCW 77.60.070.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1240 by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler

AN ACT Relating to tax incentives for biodiesel and alcohol fuel production; amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing effective dates; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1241 by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler

AN ACT Relating to tax incentives for the distribution and retail sale of biodiesel and alcohol fuels; amending RCW 82.14.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.36 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1242 by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Mielke

AN ACT Relating to the use of biodiesel; and adding new sections to chapter 43.19 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1243 by Representatives Sullivan, Wood, Crouse, Morris and Schoesler

AN ACT Relating to a biodiesel pilot project; adding new sections to chapter 28A.160 RCW; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1244 by Representatives Hunter, Talcott, Quall, Lantz, Hunt, Wood, McDermott, Simpson, Anderson and Haigh; by request of Governor Locke

AN ACT Relating to salary bonuses for certificated instructional staff attaining certification by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 1245 by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Eickmeyer, Quall and Mielke; by request of Commissioner of Public Lands

AN ACT Relating to the authority of the department of natural resources to contract for the harvest of timber from state trust lands; amending RCW 76.12.030, 76.12.120, 79.64.040, 43.85.130, and 84.33.078; reenacting and amending RCW 43.84.092 and 84.33.035; adding a new chapter to Title 79 RCW; creating new sections; and making appropriations.

Referred to Committee on Agriculture & Natural Resources.

HB 1246 by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Quall, Upthegrove and Mielke; by request of Commissioner of Public Lands

AN ACT Relating to authorization to accept gifts of aquatic land; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1247 by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Linville, Orcutt, Mielke and Woods; by request of Commissioner of Public Lands

AN ACT Relating to the highest responsible bidder for sales of valuable materials from state-owned aquatic lands; and amending RCW 79.90.215.

Referred to Committee on Agriculture & Natural Resources.

HB 1248 by Representatives Linville, Schoesler, Rockefeller, Sump and Orcutt; by request of Commissioner of Public Lands

AN ACT Relating to harbor lines; and amending RCW 79.92.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1249 by Representatives Rockefeller, Schoesler, Orcutt and Linville; by request of Commissioner of Public Lands

AN ACT Relating to the department of natural resources' contractual authority; and amending RCW 43.30.130.

Referred to Committee on Agriculture & Natural Resources.

HB 1250 by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall and Mielke; by request of Commissioner of Public Lands

AN ACT Relating to lease rates for marinas on state-owned aquatic lands that provide public moorage; and amending RCW 79.90.480.

Referred to Committee on Agriculture & Natural Resources.

HB 1251 by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall, Rockefeller and Haigh; by request of Commissioner of Public Lands

AN ACT Relating to protecting forest health; amending RCW 76.06.010, 76.06.020, 76.06.030, 76.06.050, 76.09.050, and 17.24.171; reenacting and amending RCW 76.09.060; adding new sections to chapter 76.06 RCW; and repealing RCW 76.06.040, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Agriculture & Natural Resources.

HB 1252 by Representatives Linville, Schoesler, Rockefeller, Sump and Upthegrove; by request of Commissioner of Public Lands

AN ACT Relating to the recodification of Title 79 RCW and related public land statutes; amending RCW 43.12.025, 43.12.035, 43.12.055, 43.30.040, 43.30.060, 43.30.115, 43.30.125, 43.30.130, 43.30.138, 43.30.141, 43.30.145, 43.30.150, 43.30.160, 43.30.170, 43.30.180, 43.30.260, 43.30.265, 43.30.270, 43.30.280, 43.30.290, 43.30.300, 43.30.310, 43.30.400,

43.85.130, 76.01.010, 76.01.040, 76.01.050, 76.01.060, 76.12.020, 76.12.030, 76.12.035, 76.12.050, 76.12.060, 76.12.065, 76.12.070, 76.12.072, 76.12.073, 76.12.074, 76.12.075, 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.125, 76.12.140, 76.12.155, 76.12.180, 76.12.240, 76.16.010, 76.16.020, 76.16.030, 76.16.040, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040, 79.01.004, 79.01.007, 79.01.052, 79.01.056, 79.01.060, 79.01.064, 79.01.080, 79.01.082, 79.01.084, 79.01.088, 79.01.092, 79.01.093, 79.01.094, 79.01.095, 79.01.096, 79.01.100, 79.01.104, 79.01.108, 79.01.112, 79.01.116, 79.01.120, 79.01.124, 79.01.128, 79.01.134, 79.01.136, 79.01.148, 79.01.160, 79.01.164, 79.01.168, 79.01.172, 79.01.176, 79.01.184, 79.01.188, 79.01.192, 79.01.196, 79.01.200, 79.01.204, 79.01.208, 79.01.212, 79.01.216, 79.01.220, 79.01.228, 79.01.232, 79.01.236, 79.01.238, 79.01.240, 79.01.242, 79.01.244, 79.01.248, 79.01.268, 79.01.284, 79.01.292, 79.01.2955, 79.01.296, 79.01.300, 79.01.301, 79.01.304, 79.01.332, 79.01.336, 79.01.340, 79.01.348, 79.01.352, 79.01.356, 79.01.360, 79.01.364, 79.01.388, 79.01.392, 79.01.400, 79.01.404, 79.01.408, 79.01.414, 79.01.612, 79.01.616, 79.01.617, 79.01.618, 79.01.620, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.644, 79.01.645, 79.01.648, 79.01.649, 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668, 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692, 79.01.696, 79.01.708, 79.01.712, 79.01.720, 79.01.724, 79.01.728, 79.01.736, 79.01.740, 79.01.744, 79.01.752, 79.01.760, 79.01.765, 79.01.770, 79.01.774, 79.01.778, 79.01.780, 79.01.784, 79.01.805, 79.01.810, 79.01.815, 79.08.015, 79.08.070, 79.08.080, 79.08.090, 79.08.110, 79.08.120, 79.08.170, 79.08.180, 79.08.250, 79.08.260, 79.08.275, 79.08.275, 79.08.277, 79.08.279, 79.08.281, 79.08.283, 79.12.015, 79.12.025, 79.12.035, 79.12.055, 79.12.095, 79.12.570, 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.14.010, 79.14.020, 79.14.030, 79.14.040, 79.14.080, 79.14.090, 79.14.100, 79.14.110, 79.14.120, 79.14.130, 79.14.140, 79.14.150, 79.14.180, 79.14.190, 79.14.200, 79.14.210, 79.14.220, 79.28.010, 79.28.020, 79.28.030, 79.28.040, 79.28.050, 79.28.070, 79.28.080, 79.36.260, 79.36.270, 79.36.280, 79.36.290, 79.38.010, 79.38.030, 79.38.040, 79.38.050, 79.38.060, 79.40.070, 79.40.080, 79.44.020, 79.44.030, 79.44.060, 79.44.120, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.070, 79.60.080, 79.60.090, 79.64.010, 79.64.020, 79.64.030, 79.64.040, 79.64.050, 79.64.090, 79.66.010, 79.66.020, 79.66.030, 79.66.040, 79.66.050, 79.66.060, 79.66.080, 79.66.090, 79.66.100, 79.68.010, 79.68.020, 79.68.030, 79.68.035, 79.68.040, 79.68.060, 79.68.070, 79.68.080, 79.68.090, 79.68.100, 79.68.110, 79.68.120, 79.68.900, 79.68.910, 79.70.020, 79.70.030, 79.70.090, 79.90.270, 79.90.325, 79.90.330, 79.90.340, 79.90.380, 79.90.400, 79.91.010, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.080, 79.91.190, 79.91.210, and 79.94.450; reenacting and amending RCW 79.01.500; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.12 RCW; adding new sections to chapter 79.36 RCW; adding a new section to chapter 79.38 RCW; adding new sections to chapter 79.64 RCW; adding new sections to chapter 79.14 RCW; adding new sections to chapter 79.90 RCW; adding new sections to chapter 79.94 RCW; adding new sections to chapter 79.96 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 79 RCW; adding a new chapter to Title 78 RCW; recodifying RCW 43.30.310, 43.30.010, 43.30.020, 43.30.030, 43.30.270, 43.30.050, 43.30.060, 43.30.040, 43.30.150, 43.30.280, 43.30.290, 43.85.130, 43.30.360, 43.30.370, 43.30.115, 43.30.130, 43.30.160, 43.30.170, 43.30.180, 43.30.355, 43.30.400, 43.30.410, 43.30.420, 43.30.210, 43.30.250, 43.30.260, 43.30.125, 43.30.138, 43.30.350, 43.12.025, 43.12.035, 43.30.141, 43.30.145, 43.30.135, 43.30.300, 43.30.390, 43.30.265, 76.01.040, 76.01.050, 76.01.060, 76.12.160, 76.12.170, 76.12.205, 76.12.210, 76.12.220, 76.12.230, 76.12.240, 76.12.040, 76.12.045, 76.01.010, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040, 76.12.050, 76.12.060, 76.12.065, 76.12.020, 76.12.080, 76.12.155, 76.12.030, 76.12.120, 76.12.125, 76.12.140, 76.12.090, 76.12.100, 76.12.035, 76.12.070, 76.12.067, 76.12.072, 76.12.073, 76.12.074, 76.12.075, 76.16.010, 76.16.020, 76.16.030, 76.16.040, 76.12.180, 76.12.110, 79.01.056, 79.01.060, 79.01.064, 79.01.736, 79.01.052, 79.01.004, 79.01.500, 79.01.740, 79.01.240, 79.01.765, 79.08.170, 79.01.093, 79.01.732, 79.01.308, 79.28.010, 79.28.020, 79.28.030, 79.01.076, 79.01.080, 79.01.304, 79.01.708, 79.01.712, 79.01.084, 79.01.720, 79.01.724, 79.01.220, 79.01.292, 79.01.236, 79.01.760, 79.01.748, 79.01.756, 79.01.752, 79.40.070, 79.40.080, 79.01.006, 79.01.007, 79.01.744, 79.01.074, 79.01.612, 79.68.110, 79.01.128, 79.01.164, 79.01.095, 79.68.010, 79.68.020, 79.68.050, 79.01.244, 79.68.070, 79.68.090, 79.68.060, 79.68.100, 79.68.900, 79.68.910, 79.68.120, 79.68.035, 79.68.030, 79.68.040, 79.68.045,

79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.070, 79.60.080, 79.60.090, 79.01.096, 79.01.094, 79.01.216, 79.01.088, 79.01.112, 79.01.120, 79.01.092, 79.01.200, 79.01.116, 79.01.136, 79.01.184, 79.01.188, 79.01.192, 79.01.204, 79.01.148, 79.01.196, 79.01.212, 79.01.208, 79.01.228, 79.01.224, 79.08.110, 79.01.100, 79.01.104, 79.01.108, 79.01.300, 79.01.301, 79.01.728, 79.01.242, 79.01.172, 79.08.120, 79.01.248, 79.01.284, 79.01.268, 79.12.570, 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.01.296, 79.28.040, 79.28.050, 79.28.070, 79.28.080, 79.12.015, 79.12.025, 79.12.055, 79.12.095, 79.01.2951, 79.01.295, 79.01.2955, 79.14.010, 79.14.020, 79.14.030, 79.14.040, 79.14.050, 79.14.060, 79.14.070, 79.14.080, 79.14.090, 79.14.100, 79.14.110, 79.14.120, 79.14.130, 79.14.140, 79.14.150, 79.14.160, 79.14.170, 79.14.180, 79.14.190, 79.14.200, 79.14.210, 79.14.220, 79.01.616, 79.01.617, 79.01.651, 79.01.618, 79.01.620, 79.01.624, 79.01.628, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.642, 79.01.644, 79.01.645, 79.01.648, 79.01.649, 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668, 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692, 79.01.696, 79.14.900, 79.01.124, 79.01.160, 79.01.168, 79.01.082, 79.01.232, 79.01.238, 79.01.790, 79.01.795, 79.01.134, 79.01.176, 79.08.180, 79.08.070, 79.08.250, 79.08.015, 79.01.770, 79.01.774, 79.01.778, 79.01.780, 79.01.009, 79.66.010, 79.66.020, 79.66.030, 79.66.040, 79.66.050, 79.66.060, 79.66.070, 79.66.080, 79.66.090, 79.01.784, 79.66.100, 79.66.900, 79.66.901, 79.01.332, 79.01.414, 79.01.416, 79.01.312, 79.01.316, 79.01.320, 79.01.324, 79.01.328, 79.01.336, 79.01.340, 79.01.344, 79.01.348, 79.01.352, 79.01.356, 79.01.360, 79.01.364, 79.01.384, 79.01.388, 79.01.392, 79.01.396, 79.01.400, 79.01.404, 79.01.408, 79.01.412, 79.36.230, 79.36.240, 79.36.250, 79.36.260, 79.36.270, 79.36.280, 79.36.290, 79.64.010, 79.64.020, 79.64.030, 79.64.040, 79.64.050, 79.64.060, 79.64.070, 79.64.090, 79.12.035, 79.08.275, 79.08.277, 79.08.279, 79.08.281, 79.08.283, 79.08.284, 79.76.010,

Referred to Committee on Agriculture & Natural Resources.

HJR 4203 by Representatives Haigh, Armstrong, Hunter, Hunt, Wallace, McDermott, Rockefeller, Fromhold, Eickmeyer, Miloscia, Lantz, Talcott, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, Darneille and Chase

Amending the Constitution to provide for a simple majority of voters voting to authorize a school district bond measure.

Referred to Committee on Education.

HJR 4204 by Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott, Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, Darneille and Chase

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Education.

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

### **REPORTS OF STANDING COMMITTEES**

January 20, 2003

HB 1001 Prime Sponsor, Representative Lantz: Revising voyeurism laws. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking

Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Rules Committee for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 22, 2003, the 10<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINTH DAY, JANUARY 21, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**TENTH DAY**

---

House Chamber, Olympia, Wednesday, January 22, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Thompson and Elizabeth Lepere. Prayer was offered by Reverend Don Comer, Community of Christ, Olympia.

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

**INTRODUCTION & FIRST READING**

HB 1253 by Representatives Edwards, Campbell, Cody, Ruderman, Rockefeller, Kenney and Conway

AN ACT Relating to dental hygienists; amending RCW 18.29.005, 18.29.050, 18.29.021, 18.29.045, 18.29.071, 18.29.120, 18.29.140, 18.29.150, 18.29.160, 18.29.190, and 18.29.210; adding new sections to chapter 18.29 RCW; creating a new section; and repealing RCW 18.29.110, 18.29.130, 18.29.170, 18.29.190, and 18.29.200.

Referred to Committee on Health Care.

HB 1254 by Representatives Buck, Hatfield, Schoesler, Clements, Armstrong, Sump, Hinkle, Grant, Ericksen, Blake, Cairnes, Kessler, Linville, Haigh, Eickmeyer, Orcutt, Chandler, Pearson, Boldt, Mielke, Delvin, Newhouse, Mastin, Condotta, Bush and Alexander

AN ACT Relating to trapping; amending RCW 77.15.192, 77.15.194, 77.65.450, 77.65.460, 77.32.545, and 77.15.198; and adding new sections to chapter 77.12 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1255 by Representatives Dickerson, Kenney, Darneille, O'Brien, Kagi, McIntire, Cody and McDermott

AN ACT Relating to excise taxes on beer; amending RCW 66.24.290; and providing an effective date.

Referred to Committee on Finance.

HB 1256 by Representatives Carrell, Cairnes, Roach, Kristiansen, Hinkle, Newhouse, McMahan, Talcott, Cox, Schindler and Benson

AN ACT Relating to defenses in civil actions; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1257 by Representatives Carrell, Haigh, O'Brien and Shabro

AN ACT Relating to the sale or purchase of any dog for fighting purposes; and amending RCW 16.52.117.

Referred to Committee on Criminal Justice & Corrections.

HB 1258 by Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson

AN ACT Relating to civilly committing sexually violent predators who are involuntarily committed under chapter 10.77 RCW; and amending RCW 71.09.025, 71.09.030, 71.09.060, and 71.09.090.

Referred to Committee on Criminal Justice & Corrections.

HB 1259 by Representatives Carrell, Roach, Talcott, Kirby, McMahan, Boldt, Conway, McDonald, Bush, Lantz, Cairnes, O'Brien, Priest, Nixon, Upthegrove and Anderson

AN ACT Relating to transporting residents of secure community transition facilities; adding a new section to chapter 71.09 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1260 by Representatives Buck, Hatfield, Sump, Pearson, Kessler, Grant, Blake, Schoesler, Eickmeyer, Kenney and Kristiansen

AN ACT Relating to environmental impact statements for class I, II, and III forest practices on state trust lands; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1261 by Representatives Sump, Pearson, Kenney, Mielke and Hinkle

AN ACT Relating to the removal of land from open space classification; and reenacting and amending RCW 84.34.108.

Referred to Committee on Finance.

HB 1262 by Representatives Sump, Cox, Mielke and Benson

AN ACT Relating to paying compensation to school district employees for unused sick leave; and amending RCW 28A.400.210.

Referred to Committee on Education.

HB 1263 by Representatives Sump, Bush, Condotta, Mielke, Woods and Cox

AN ACT Relating to transferring responsibilities related to nursing homes from the department of social and health services to the department of health; amending RCW 18.51.010, 74.42.010, and 74.42.600; and creating a new section.

Referred to Committee on Health Care.

HB 1264 by Representatives Sump, Bush and Mielke

AN ACT Relating to mineral rights; and amending RCW 58.17.020, 58.17.165, and 58.17.212.

Referred to Committee on Local Government.

HB 1265 by Representatives Sump, Schoesler and Cox

AN ACT Relating to local government financial assistance; amending RCW 70.05.125, 82.14.200, 82.14.210, 82.14.310, 82.14.320, and 82.14.330; adding a new section to chapter 82.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1266 by Representatives Sump, Bush, Condotta and Mielke

AN ACT Relating to vehicular homicide and assault by unlicensed or uninsured drivers; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding new sections to chapter 46.61 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1267 by Representatives Sump, Bush, Condotta, Pearson, Buck, Mielke and Hinkle

AN ACT Relating to forest reserve funds; amending RCW 28A.520.020, 28A.150.250, and 76.12.120; and adding a new section to chapter 28A.520 RCW.

Referred to Committee on Appropriations.

HB 1268 by Representatives Rockefeller, Hunt, Dunshee, Miloscia, Haigh, Dickerson, Lantz, Linville, Cooper, Hudgins, Kagi, Morrell, Kessler, Upthegrove and Chase



AN ACT Relating to orca recovery; amending RCW 90.71.050; adding a new section to chapter 43.21A RCW; adding a new section to chapter 77.12 RCW; and adding a new chapter to Title 77 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1269 by Representatives Linville and Schoesler; by request of Department of Agriculture

AN ACT Relating to regulating structural pest inspectors; amending RCW 15.58.030, 15.58.040, 15.58.150, 15.58.210, 15.58.233, 15.58.460, 15.58.465, and 15.58.470; adding new sections to chapter 15.58 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1270 by Representatives Anderson, Miloscia, Nixon, Sehlin, Pflug, Sullivan, Armstrong, Schindler, Pearson, Ericksen, Ahern, Priest, Clements, Woods, Cairnes, Roach, Bailey, DeBolt, Holmquist, Condotta and Alexander

AN ACT Relating to ensuring government efficiencies through performance audits conducted by the state auditor; amending RCW 43.88.160, 43.88.090, and 43.09.050; adding new sections to chapter 43.09 RCW; and creating new sections.

Referred to Committee on State Government.

HB 1271 by Representatives Anderson, Morris and Wood

AN ACT Relating to enhancing interoperability of the state's emergency communication systems; adding new sections to chapter 38.52 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1272 by Representatives Moeller, Fromhold, Mielke, Boldt, Romero and Wallace

AN ACT Relating to delivery of social and health services at the local level; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1273 by Representatives Moeller, Ruderman, Chase and Hinkle

AN ACT Relating to mercury amalgam dental restorative materials; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care.

HB 1274 by Representatives Lantz, Alexander, Sommers, Rockefeller, Fromhold, Benson, Newhouse and Kagi

AN ACT Relating to postjudgment interest on tort judgments; amending RCW 4.56.115, 4.56.110, and 19.52.025; and creating a new section.

Referred to Committee on Judiciary.

HB 1275 by Representatives Darneille, Pflug, Moeller, Cody, Romero, Wood and Upthegrove; by request of Department of Health

AN ACT Relating to the human immunodeficiency virus insurance program; adding a new section to chapter 43.70 RCW; repealing RCW 74.09.757; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1276 by Representatives Cody, Cairnes, Kenney and Wood; by request of Horse Racing Commission

AN ACT Relating to authorizing continued receipt of criminal history information by the horse racing commission; and repealing 2000 c 204 s 2 (uncodified).

Referred to Committee on Commerce & Labor.

HB 1277 by Representatives Kenney, Cox, Jarrett, Chase, Veloria, Kessler and Upthegrove

AN ACT Relating to gaining independence for students by establishing an educational assistance grant program for students with dependents; amending RCW 28B.10.801; adding a new section to chapter 74.04 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1278 by Representatives Conway, Cairnes, Kirby and Bush

AN ACT Relating to listing property for tax purposes; and amending RCW 84.40.040, 84.40.060, 84.40.070, and 84.40.190.

Referred to Committee on Finance.

HB 1279 by Representatives Lantz, Carrell, Moeller, Newhouse, Kirby, Lovick, Morris, Campbell, Linville, McMahan, Crouse and Flannigan

AN ACT Relating to committees of members of nonprofit corporations; and amending RCW 24.03.065, 24.03.075, and 24.03.465.

Referred to Committee on Judiciary.

HB 1280 by Representatives Murray, Alexander and Dunshee; by request of University of Washington

AN ACT Relating to financing contracts for research facilities or equipment of state universities; and amending RCW 28B.10.022 and 39.94.040.

Referred to Committee on Capital Budget.

HB 1281 by Representatives Pettigrew, Skinner, Gombosky, Clibborn, Anderson, Rockefeller, Grant, Tom, O'Brien, Cody, Moeller, McDonald, Woods, Hunter, Kagi, Morrell, Benson, Kessler, Wood, Upthegrove, Conway, Linville and Morris; by request of Governor Locke

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Trade & Economic Development.

HB 1282 by Representatives Haigh, Tom, Upthegrove, Jarrett, Murray, Ericksen, Hunter, Shabro and Anderson

AN ACT Relating to establishing the office of citizen councilor; and adding new sections to chapter 43.09 RCW.

Referred to Committee on State Government.

HB 1283 by Representatives Lovick, Pettigrew, O'Brien, Cooper, Simpson, Kagi, Moeller, Chase, Rockefeller, Lantz and Cairnes

AN ACT Relating to vacation of records of conviction for misdemeanor and gross misdemeanor offenses; and amending RCW 9.96.060.

Referred to Committee on Judiciary.

HB 1284 by Representatives Cooper, Hunt, O'Brien, Campbell, Simpson, Moeller, Lovick, Darneille, Cox, Rockefeller, Schual-Berke, Cairnes, Chase, Quall, Kessler, Wood, Conway and Linville

AN ACT Relating to retiring early in the public employees' retirement system, plan 2; and amending RCW 41.40.630.

Referred to Committee on Appropriations.

HB 1285 by Representatives Campbell, Veloria, Chase and Bush

AN ACT Relating to reemployment following service in the uniformed services; and amending RCW 73.16.031, 73.16.033, and 73.16.035.

Referred to Committee on Commerce & Labor.

HB 1286 by Representatives Ruderman, Crouse, Morris, Nixon, Sullivan and Delvin

AN ACT Relating to promotional service offerings; and amending RCW 80.04.130, 80.36.110, 80.36.320, and 80.36.330.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1287 by Representatives Lovick, Bush, Moeller, Campbell, McDonald and Cox; by request of Attorney General

AN ACT Relating to district court jurisdiction over actions involving commercial electronic mail; and amending RCW 3.66.020 and 3.66.040.

Referred to Committee on Judiciary.

HB 1288 by Representatives Dunshee and Alexander; by request of Office of Financial Management

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1289 by Representatives Hinkle, Grant, Sump, Blake, Bush, Hatfield, Newhouse, Hunt, Buck, Mielke and McDonald

AN ACT Relating to exempting active duty military personnel from certain temporary fishing license restrictions; and amending RCW 77.32.470.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1290 by Representatives Sump and Mielke

AN ACT Relating to bond requirements for title insurance agents; and adding a new section to chapter 48.29 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1291 by Representatives Blake, Schindler, Hatfield, Romero and Mielke

AN ACT Relating to flood control zone districts; amending RCW 86.15.050; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1292 by Representatives Rockefeller, Delvin, Grant, Moeller, Hankins, Hinkle, Mastin, Eickmeyer, Orcutt, Wallace, Fromhold, Haigh, Holmquist, McMahan and Woods; by request of Administrator for the Courts

AN ACT Relating to superior court judges; amending RCW 2.08.062 and 2.08.064; and creating a new section.

Referred to Committee on Judiciary.

HB 1293 by Representatives Simpson, Armstrong, Murray, Hankins and Hudgins

AN ACT Relating to flat license plates; and amending RCW 46.16.230.

Referred to Committee on Transportation.

HB 1294 by Representatives McDermott, Haigh, Armstrong, Nixon, Miloscia, Dickerson and Mielke; by request of Public Disclosure Commission

AN ACT Relating to campaign finance reporting by out-of-state political committees; amending RCW 42.17.090; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1295 by Representatives Morrell, Bailey, Cody, Kenney and Campbell; by request of Department of Health

AN ACT Relating to eliminating barriers to initial licensure in health professions; amending RCW 18.06.050, 18.34.070, 18.79.160, 18.83.050, 18.83.072, 18.92.070, 18.92.100, 18.155.020, 18.155.030, and 18.155.040; adding a new section to chapter 18.79 RCW; adding a new section to chapter 18.155 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1296 by Representatives Moeller and Pflug; by request of Department of Health

AN ACT Relating to making corrections to the department of health's professional and facilities licensing provisions; amending RCW 18.71.040 and 70.127.040; reenacting and amending

RCW 18.130.040; repealing RCW 69.41.270; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1297 by Representatives Orcutt, Woods, Hatfield, Mielke, Murray, Blake, Wood, Boldt, Dickerson, Delvin, Lovick, Hudgins, Hankins, Rockefeller, Hinkle and Campbell

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

Referred to Committee on Transportation.

HB 1298 by Representatives Sommers, Alexander, Fromhold, Conway and Benson

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Appropriations.

HB 1299 by Representatives Cody, Sommers, Morrell, Schual-Berke and Dickerson

AN ACT Relating to evidence-based health services purchasing by state purchased health care programs; adding a new section to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 72.09 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1300 by Representatives Cody, Schual-Berke, Dickerson, Morrell and Conway

AN ACT Relating to school health plans; and amending RCW 28A.195.010.

Referred to Committee on Health Care.

HB 1301 by Representatives Kirby and Schindler

AN ACT Relating to providing rent vouchers for low-income persons to pay for rent and security deposits; amending RCW 36.22.178; and creating a new section.

Referred to Committee on Local Government.

HB 1302 by Representatives Priest, Shabro, Roach and Nixon

AN ACT Relating to siting secure community transition facilities; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1303 by Representatives Armstrong, Condotta and Schindler

AN ACT Relating to state building codes; and amending RCW 19.27.015, 19.27.031, 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Local Government.

HB 1304 by Representatives Armstrong, Sump, Hinkle and Condotta

AN ACT Relating to fur dealer's license fees; and amending RCW 77.65.480.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1305 by Representatives Carrell, Nixon, Talcott, Kristiansen, Bush, Holmquist, Crouse, Miloscia, Hinkle, Schoesler and Anderson

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1306 by Representatives DeBolt, Armstrong, Alexander, Talcott, Kristiansen, Condotta and Crouse

AN ACT Relating to taxation of taxidermy; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Finance.

HB 1307 by Representatives Armstrong, Carrell, Nixon, Roach, Talcott, Bush, Crouse, Mielke, Woods and Anderson

AN ACT Relating to actions asserting invalidity of agency rules; and amending RCW 34.05.570.

Referred to Committee on State Government.

HB 1308 by Representatives Anderson, Nixon, Pflug, Talcott, Ericksen, Ahern, Schindler, Crouse, Woods, Benson and McMahan

AN ACT Relating to contracting for services customarily provided by state employees; amending RCW 41.80.020; and providing an effective date.

Referred to Committee on State Government.

HB 1309 by Representatives Holmquist, Condotta, Armstrong, Nixon, Roach, Kristiansen, Talcott, Bush, Crouse, Wallace, Mielke, Woods, Hinkle, Schoesler, Cox, Schindler, Benson, McMahan and Anderson

AN ACT Relating to ensuring that agency rules do not exceed their statutory authorization; amending RCW 34.05.570; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1310 by Representatives Shabro, Holmquist, Armstrong, Anderson, Linville, Nixon, Condotta, Roach, Miloscia, Kristiansen, Bush, Carrell, McDonald, Woods, Benson, McMahan, Chase and Pflug

AN ACT Relating to providing businesses with notice of administrative rules; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1311 by Representatives Armstrong, Shabro, Anderson, Nixon, Hatfield, Roach, Kristiansen, Woods, Schoesler, Schindler, Benson, Condotta and McMahan

AN ACT Relating to the venue of court actions filed against the state; and amending RCW 4.92.010.

Referred to Committee on Judiciary.

HB 1312 by Representatives Anderson, Armstrong, Nixon, Roach, Kristiansen, Holmquist, Talcott, Woods, Hinkle, Schoesler, Benson and McMahan

AN ACT Relating to the rule-making authority of various governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; adding a new section to chapter 43.17 RCW; and declaring an emergency.

Referred to Committee on State Government.

HB 1313 by Representatives Anderson, Morris, Nixon, Linville, Pflug, Ahern, Hatfield, Schindler, Roach, Ericksen, Kristiansen, Holmquist, Wallace, Mielke, Woods, Cox, Benson and McMahan

AN ACT Relating to requiring state agencies to justify rules they adopt; amending RCW 34.05.360 and 34.05.570; and creating a new section.

Referred to Committee on State Government.

HB 1314 by Representatives Shabro, Carrell, Armstrong, Anderson, Nixon, Hatfield, Roach, Kristiansen, Crouse, Mielke, Woods, Cox, Benson and McMahan

AN ACT Relating to significant legislative rules; amending RCW 34.05.328; and creating a new section.

Referred to Committee on State Government.

HB 1315 by Representatives Shabro, Anderson, Nixon, Roach, Kristiansen, Bush, Crouse, McDonald, Woods, Schoesler, Benson and McMahan

AN ACT Relating to requiring legislative authority for agencies to adopt rules that exceed federal standards; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1316 by Representatives Morris and Anderson

AN ACT Relating to utility taxation; amending RCW 82.16.010, 82.16.020, 82.16.050, 82.16.090, 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; adding new chapters to Title 82 RCW; creating new sections; recodifying RCW 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; providing effective dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1317 by Representatives Linville, Kirby, Grant, Quall, Shabro, Jarrett, Rockefeller, Hunt, Delvin, Morris and Conway; by request of Governor Locke

AN ACT Relating to the trust water rights program; amending RCW 90.42.005, 90.42.020, 90.03.380, and 90.44.100; adding new sections to chapter 90.42 RCW; creating a new section; repealing RCW 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040, 90.42.050, 90.42.070, and 90.42.080; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1318 by Representatives Darneille, Cody, Clements, Campbell, Bush, Anderson and Pflug; by request of Department of Health

AN ACT Relating to referencing the United States food and drug administration's food code; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1319 by Representatives Delvin, Buck, Mielke, Schoesler, Benson and Campbell

AN ACT Relating to actions against the firearms industry; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1320 by Representatives Delvin and Dickerson

AN ACT Relating to mental health treatment for minors; amending RCW 71.34.042 and 71.34.052; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1321 by Representatives Kagi, Jarrett, Hunt, Hunter, Hudgins and Chase

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1322 by Representatives Simpson, Cairnes, McCoy and Roach

AN ACT Relating to exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state; and amending RCW 84.36.010.

Referred to Committee on Finance.

HB 1323 by Representatives Hankins, Delvin, O'Brien, Ericksen, Lovick, Roach, Woods, Benson and Chase

AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system; and amending RCW 43.43.250.

Referred to Committee on Appropriations.



HB 1324 by Representatives Lovick, Delvin, O'Brien, Hankins, Fromhold, Jarrett, Wallace and Anderson

AN ACT Relating to regulating the use of automated traffic safety cameras; amending RCW 3.50.100, 46.63.030, and 46.63.140; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1325 by Representatives Darneille, Campbell, Pettigrew, Skinner, Benson and Bush

AN ACT Relating to certificate of need exemptions for nursing facilities; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health Care.

HB 1326 by Representatives Sullivan, Campbell, Benson, Darneille, Morris, Miloscia, Kagi, Chase and Bush

AN ACT Relating to boarding homes; adding a new section to chapter 18.20 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1327 by Representatives Fromhold, Sehlin, Morris, Campbell, Moeller, Alexander, Quall and Pflug

AN ACT Relating to nursing facility medicaid payment method improvements; amending RCW 74.46.020, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.421; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1328 by Representatives Fromhold, Cairnes, Sullivan, Veloria, Skinner, Alexander, Morris, Moeller, Benson, Darneille, Linville, Jarrett, Miloscia, Clibborn, Cox, Pettigrew, Clements, McCoy, Campbell, Romero, O'Brien, Talcott, Ahern, Schindler, Hinkle, Hunt, Rockefeller, Wallace, Quall, Conway, Flannigan, Chase, Blake, Simpson, Upthegrove, Kenney, Newhouse, Buck, Woods and Bush

AN ACT Relating to the tax treatment of boarding homes; and creating a new section.

Referred to Committee on Finance.

HB 1329 by Representatives Fromhold, Sehlin, Morris, Campbell, Moeller, Alexander, Quall, Chase and Bush

AN ACT Relating to a quality maintenance fee levied on nursing facilities; amending RCW 74.46.200 and 74.46.421; reenacting and amending RCW 43.84.092; adding new sections to chapter 74.46 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1330 by Representatives Moeller, Campbell, Skinner, Sullivan, Benson, Bush and Pflug

AN ACT Relating to bed hold for boarding home residents; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health Care.

HB 1331 by Representatives Cody and Campbell

AN ACT Relating to payment for nursing care services; amending RCW 18.52C.040, 74.46.410, and 74.46.431; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1332 by Representatives Moeller, Campbell, Kessler, Skinner, Sullivan, Benson, Rockefeller, Darneille, Clibborn, Pettigrew, McCoy, Romero, Hunt, Chase and Bush

AN ACT Relating to payment for state-contracted long-term care services; amending RCW 74.39A.030, 74.46.620, and 74.46.630; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1333 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

AN ACT Relating to the membership of the commission on judicial conduct; amending RCW 2.64.020; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1334 by Representatives Haigh, Armstrong, Kristiansen, Tom, Anderson, Shabro, Hatfield, Nixon, Hunt, Roach, Holmquist, Grant, O'Brien, Kagi, Kessler, Upthegrove and Morris

AN ACT Relating to requiring cost and benefit assessments early in the rule-making process; and amending RCW 34.05.320.

Referred to Committee on State Government.

HB 1335 by Representatives Cooper, Sump, Berkey and Hudgins; by request of Parks and Recreation Commission

AN ACT Relating to the water trail recreation program; amending RCW 79A.05.380, 79A.05.385, and 79A.05.410; creating a new section; and repealing RCW 79A.05.400, 79A.05.405, and 79A.05.420.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1336 by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke

AN ACT Relating to watershed planning; amending RCW 90.82.040 and 90.82.130; and adding a new section to chapter 90.82 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1337 by Representatives Rockefeller, Schoesler, Lantz, Linville, Shabro, Jarrett, Kirby, Grant, Quall, Hunt, Delvin, Woods, Chandler, Morris, Conway, Bush, Anderson and Pflug; by request of Governor Locke

AN ACT Relating to the construction of replacement or additional wells; and amending RCW 90.44.100.

Referred to Committee on Agriculture & Natural Resources.

HB 1338 by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway; by request of Governor Locke

AN ACT Relating to certainty and flexibility of municipal water rights and efficient use of water; amending RCW 90.03.015, 90.14.031, 90.03.330, 90.03.260, 90.03.386, 43.20.250, 90.48.495, 90.48.112, and 90.46.120; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 70.116 RCW; adding a new section to chapter 70.119A RCW; adding new sections to chapter 90.44 RCW; adding new sections to chapter 90.82 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1339 by Representatives Simpson, Benson and Schual-Berke; by request of Department of Financial Institutions

AN ACT Relating to escrow agents and officers; amending RCW 18.44.011, 18.44.031, 18.44.041, 18.44.051, 18.44.071, 18.44.081, 18.44.091, 18.44.101, 18.44.111, 18.44.121, 18.44.127, 18.44.195, 18.44.201, 18.44.410, 18.44.430, and 18.44.450; adding new sections to chapter 18.44 RCW; and repealing RCW 18.44.131.

Referred to Committee on Financial Institutions & Insurance.

HB 1340 by Representatives Cooper, Benson, Schual-Berke and McIntire; by request of Governor Locke

AN ACT Relating to check cashers and sellers; amending RCW 31.45.010, 31.45.020, 31.45.030, 31.45.040, 31.45.050, 31.45.060, 31.45.070, 31.45.073, 31.45.077, 31.45.090, 31.45.100, 31.45.110, and 31.45.120; adding new sections to chapter 31.45 RCW; repealing RCW 31.45.170; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HJR 4205 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 23, 2003, the 11<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TENTH DAY, JANUARY 22, 2003



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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ELEVENTH DAY**

---

House Chamber, Olympia, Thursday, January 23, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 1341 by Representatives Orcutt, O'Brien, Mielke, Lovick and Anderson

AN ACT Relating to offender work programs; and amending RCW 9.94A.725, 9.94A.731, 70.48.210, and 72.65.020.

Referred to Committee on Criminal Justice & Corrections.

HB 1342 by Representatives Orcutt, Mielke, Cooper, McMahan, Anderson, Campbell and Bush

AN ACT Relating to hunter education certificate requirements; and amending RCW 77.32.155.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1343 by Representatives Orcutt, Mielke, Woods, McMahan, Anderson and Campbell

AN ACT Relating to providing property tax relief for senior citizens or persons retired due to physical disability; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1344 by Representatives Orcutt, Mielke, Moeller, Condotta, McMahan, Upthegrove, Campbell, Nixon and Bush

AN ACT Relating to social security numbers on certificates of death; and amending RCW 70.58.055.

Referred to Committee on Health Care.

HB 1345 by Representatives Cooper, Haigh, Simpson, Dunshee and Ericksen

AN ACT Relating to creating regional fire protection service authorities; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 52 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1346 by Representatives Lovick, Cairnes, Rockefeller, Campbell, Moeller, Clibborn, Cooper, Flannigan, Simpson, Kagi, Pettigrew and Chase

AN ACT Relating to vacation of records of conviction for pre-sentencing reform act felony offenses; and amending RCW 9.95.240 and 9.92.066.

Referred to Committee on Judiciary.

HB 1347 by Representatives Dunshee and Alexander

AN ACT Relating to the capital budget; making supplemental appropriations and authorizing expenditures for capital improvements; amending 2002 c 238 ss 109 and 202 (uncodified); amending 2001 2nd sp.s. c 8 s 158 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); repealing 2002 c 238 s 204 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1348 by Representatives Flannigan and Moeller; by request of Office of the Code Reviser

AN ACT Relating to technical corrections concerning manufactured and mobile homes under the authority of RCW 1.08.025; amending 2002 c 268 s 10 (uncodified); and reenacting and amending RCW 43.22.434.

Referred to Committee on Judiciary.

HB 1349 by Representatives Flannigan and Moeller; by request of Office of the Code Reviser

AN ACT Relating to making technical corrections to the Revised Code of Washington under the authority of RCW 1.08.025; and amending RCW 3.66.060, 4.24.210, 7.84.020, 7.84.040, 9.41.098, 10.105.900, 15.85.020, 15.85.060, 16.36.005, 17.26.020, 19.27.490, 19.158.020, 34.05.328, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 35A.69.010, 36.70.982, 36.70.992, 36.70A.460, 43.21B.005, 43.21C.0382, 43.21C.260, 43.21K.010, 43.52.440, 43.101.010, 69.04.930, 69.04.934, 70.105D.090, 72.63.040, 76.09.030, 76.09.063, 76.09.350, 76.09.910, 76.13.100, 76.42.060, 77.15.310, 78.44.050, 79.76.060, 79.90.150, 79.94.390, 79.96.080, 79A.25.240, 79A.60.010, 82.27.070, 89.08.470, 90.03.247, and 90.58.147.

Referred to Committee on Judiciary.

HB 1350 by Representatives Flannigan and Moeller; by request of Office of the Code Reviser

AN ACT Relating to making technical corrections concerning notaries public under the authority of RCW 1.08.025; and repealing RCW 42.44.040.

Referred to Committee on Judiciary.

HB 1351 by Representatives Flannigan and Moeller; by request of Office of the Code Reviser

AN ACT Relating to correction of outdated internal references in the Revised Code of Washington; and amending RCW 8.26.020, 9.94A.731, 11.68.090, 11.97.010, 11.97.900, and 29.81.310.

Referred to Committee on Judiciary.

HB 1352 by Representatives Murray, Ericksen and Romero; by request of Utilities & Transportation Commission

AN ACT Relating to apportionment of the cost of installing and maintaining signals or warning devices at railroad-highway grade crossings; amending RCW 81.53.271 and 81.53.281; and creating a new section.

Referred to Committee on Transportation.

HB 1353 by Representative Murray

AN ACT Relating to state route number 513; and amending RCW 47.17.695.

Referred to Committee on Transportation.

HB 1354 by Representatives Upthegrove, Armstrong, Miloscia, Nixon and McDermott

AN ACT Relating to adjusting the limit applicable to the contracting of public works by a special purpose water-sewer district; and amending RCW 57.08.050.

Referred to Committee on Local Government.

HB 1355 by Representatives Miloscia, Schindler, Mielke and Ahern

AN ACT Relating to city assumption of water-sewer districts; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Local Government.

HB 1356 by Representatives Dunshee, Sommers, DeBolt and Alexander; by request of Utilities & Transportation Commission

AN ACT Relating to updating utilities and transportation commission regulatory fees; and amending RCW 80.24.010, 81.24.010, 81.24.020, 81.24.030, and 81.77.080.

Referred to Committee on Appropriations.

HB 1357 by Representatives Quall, Cairnes, Miloscia, Orcutt, Gombosky, Ahern, Grant, Roach, Hatfield, Kessler, O'Brien, Morris, Linville, Haigh, Lovick, Rockefeller, Lantz, Wood, Eickmeyer, Simpson, Boldt and Pflug

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1358 by Representatives O'Brien, Chandler and Wood

AN ACT Relating to electrician certification; and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

HB 1359 by Representatives Simpson, Hankins, Ericksen, Wood, Armstrong, Lovick and Woods

AN ACT Relating to household goods carriers operating without a permit; adding new sections to chapter 81.80 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1360 by Representatives Ruderman and Anderson

AN ACT Relating to membership of the information services board; and amending RCW 43.105.032.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1361 by Representatives Linville, Schoesler, Grant and Holmquist

AN ACT Relating to the state agricultural commodity commissions; and amending RCW 15.66.030, 15.66.140, and 15.66.185.

Referred to Committee on Agriculture & Natural Resources.

HB 1362 by Representatives Sullivan and Schindler

AN ACT Relating to providing funding for transportation purposes; adding a new section to chapter 82.32 RCW; adding a new section to chapter 39.42 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1363 by Representatives McDermott, Anderson, Quall, Haigh, Talcott, McMahan, Jarrett, Schual-Berke, Kenney, Woods, Kagi, Hudgins, Simpson and Bush

AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Education.

HB 1364 by Representatives Morris, Anderson and Nixon

AN ACT Relating to prohibiting municipal taxation of intellectual property creating activities; adding a new section to chapter 35.21 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1365 by Representative Morris

AN ACT Relating to excise taxes on generation, distribution, and sale of electric property; amending RCW 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; adding a new chapter to Title 82 RCW; recodifying RCW 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1366 by Representatives Sommers and Fromhold; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 19.28.351, 41.50.110, 43.08.190, 43.23.230, 43.200.080, 48.02.190, 49.26.130, 51.44.170, 67.40.040, 70.79.350, 70.146.030, 76.04.630, 76.12.170, 80.01.080, 82.14.200, 82.14.210, and 86.26.007; creating new sections; making appropriations; and declaring an emergency.



Referred to Committee on Appropriations.

HB 1367 by Representatives Rockefeller, Alexander, Morris, Jarrett, Conway, Murray, Clibborn, Kenney, Wallace, McIntire, Anderson, Upthegrove, Berkey, Campbell, Kagi, McDermott, Darneille, Wood, Hudgins, Simpson and Ruderman

AN ACT Relating to government accountability; amending RCW 44.04.260, 44.28.005, 44.28.010, 44.28.020, 44.28.030, 44.28.040, 44.28.050, 44.28.055, 44.28.060, 44.28.065, 44.28.071, 44.28.075, 44.28.080, 44.28.083, 44.28.088, 44.28.091, 44.28.094, 44.28.097, 44.28.100, 44.28.120, 44.28.130, and 44.28.150; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1368 by Representatives Schual-Berke, Talcott, Linville, Quall, Anderson and Upthegrove

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1369 by Representatives Romero and Alexander

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.

Referred to Committee on Commerce & Labor.

HB 1370 by Representatives Armstrong, Condotta and Ericksen

AN ACT Relating to establishing a state centennial song; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

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

## **RESOLUTION**

HOUSE RESOLUTION NO. 2003-4605, By Representatives Armstrong, Condotta, Alexander, Bailey, Chandler, Jarrett, McDonald, Sump, Pearson, Cox, Benson, Miloscia, Hinkle, Mastin, Hunt, Boldt, McMahan, Buck, Murray, Cooper, Simpson, Ericksen, Bush, Haigh, Kagi, Romero, Linville, Hudgins, O'Brien, Hankins, Sehlin, Newhouse, Priest, Anderson, Flannigan, Talcott, Mielke, Wood, Conway, Tom, Schoesler, Orcutt, Rockefeller, Ahern, Pflug, Hatfield, Morrell, Cairnes, Voloria and Delvin

WHEREAS, Dogs play an important role in the lives of many Washingtonians by serving as companions and assistance animals; and

WHEREAS, Most "bad dog" problems are the result of irresponsible ownership and the large numbers of dog bites each year reveal the need for dogs to be well-behaved and for people to raise dogs to behave in a responsible manner; and

WHEREAS, Responsible dog ownership is encouraged in this state and responsible dog owners should provide proper care, affection, training, and confinement for their dogs; and

WHEREAS, 4-H supported American Kennel Club "Canine Good Citizen" programs were developed to teach dog owners that their dogs should exhibit functional, responsible behaviors in the presence of people and other animals; and

WHEREAS, 4-H supported American Kennel Club "Canine Good Citizen" programs identify and officially recognize those dogs that have a practice and reputation of good behavior within their homes and communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 4-H supported American Kennel Club "Canine Good Citizen" program for its contributions to promoting responsible dog ownership and honoring dogs who are "Good Citizens" within their communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Pat Putnam, the American Kennel Club "Canine Good Citizen" programs coordinator for 4-H.

HOUSE RESOLUTION NO. 4605 was adopted.

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

There being no objection, the Committee on State Government was relieved of further consideration of HOUSE BILL NO. 1171 and the bill was referred to the Committee on Capital Budget.

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

There being no objection, the House adjourned until 10:00 a.m., January 24, 2003, the 12<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ELEVENTH DAY, JANUARY 23, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**TWELFTH DAY**

---

House Chamber, Olympia, Friday, January 24, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Magic Israel and Caleb McKenzie. Prayer was offered by Leslie Edwards-Hill, Chairperson of the Olympia Baha'i Community.

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

#### **INTRODUCTION & FIRST READING**

HB 1371 by Representatives Carrell, Newhouse, Sehlin, Boldt, Armstrong, Bush, Skinner, Sullivan, McDonald and McMahan

AN ACT Relating to law libraries; and adding a new section to chapter 27.24 RCW

Referred to Committee on Judiciary.

HB 1372 by Representatives Carrell, Ericksen, Cairnes, Roach, Boldt, Delvin, Benson, Upthegrove, Campbell and McMahan

AN ACT Relating to protecting innocent owners of impounded vehicles; amending RCW 46.12.101, 46.55.110, 46.55.120, and 46.63.020; and prescribing penalties

Referred to Committee on Transportation.

HB 1373 by Representatives Carrell, Newhouse, Mielke, Roach, McMahan, Boldt, Kristiansen, Holmquist, Delvin, Ahern, Pearson, Bush and Campbell

AN ACT Relating to motor vehicle theft; reenacting and amending RCW 9.94A.525 and 13.40.0357; and prescribing penalties

Referred to Committee on Criminal Justice & Corrections.

HB 1374 by Representatives Carrell, Newhouse, Mielke, Delvin, Boldt, Roach, Holmquist, Benson, Ahern, Condotta and Bush

AN ACT Relating to sentencing enhancements for criminal gang activity; amending RCW 13.40.160; adding a new section to chapter 13.40 RCW; creating a new section; and prescribing penalties

Referred to Committee on Juvenile Justice & Family Law.

HB 1375 by Representatives Dickerson, Sommers, Cody, Wallace, Campbell and McMahan

AN ACT Relating to basic health plan eligibility of persons studying in the United States under temporary visas; amending RCW 70.47.020; and creating a new section

Referred to Committee on Health Care.

HB 1376 by Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney

AN ACT Relating to exempting the use of certain water storage facilities from the water code permitting requirements; and amending RCW 90.03.250 and 90.03.370

Referred to Committee on Agriculture & Natural Resources.

HB 1377 by Representatives Alexander, Murray, Ericksen and Romero

AN ACT Relating to vessel registration; and amending RCW 88.02.050

Referred to Committee on Agriculture & Natural Resources.

HB 1378 by Representative Ericksen

AN ACT Relating to placement of large woody debris; amending RCW 77.55.120; adding a new section to chapter 77.55 RCW; and creating a new section

Referred to Committee on Judiciary.

HB 1379 by Representatives Ericksen, Bush and Anderson

AN ACT Relating to agreements with cities, towns, and counties for traffic control on private roads by local law enforcement personnel; and adding a new section to chapter 46.61 RCW

Referred to Committee on Transportation.

HB 1380 by Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell

AN ACT Relating to creating the crime of mineral trespass; adding new sections to chapter 78.44 RCW; and prescribing penalties

Referred to Committee on Agriculture & Natural Resources.

HB 1381 by Representatives Ericksen, Shabro, Jarrett, McDonald, Schindler, Kristiansen, Bailey and Buck

AN ACT Relating to issuing flat license plates; and amending RCW 46.16.230

Referred to Committee on Transportation.

HB 1382 by Representatives Ericksen, Woods, McDonald, Anderson, Bush, Ahern, Talcott, Buck, Mielke, Boldt, Carrell, Kristiansen, Pflug, Condotta and McMahan

AN ACT Relating to restricted use of high-occupancy vehicle lanes during workday rush hours; and amending RCW 46.61.165 and 47.52.025

Referred to Committee on Transportation.

HB 1383 by Representatives Ericksen, Jarrett, Woods, Schindler, Anderson, Shabro, Ahern, Talcott, Clements, Chandler, Buck, Mielke, Boldt, Carrell, Schoesler, Nixon, Pflug and Holmquist

AN ACT Relating to providing revenues for transportation projects linked to substantive transportation reforms; amending RCW 82.38.030, 82.38.035, 82.38.045, and 82.38.047; reenacting and amending RCW 82.36.025 and 46.68.090; and creating a new section

Referred to Committee on Transportation.

HB 1384 by Representatives Ericksen, Anderson, Woods, Schindler, McDonald, Bush, Jarrett, Shabro, Ahern, Talcott, Clements, Chandler, Sehlin, Buck, Mielke, Boldt, Schoesler, Kristiansen, Nixon, Pearson, Pflug, Holmquist and McMahan

AN ACT Relating to incentives to increase transportation revenues by increasing transportation permit efficiency; amending RCW 47.01.290; adding a new section to chapter 77.55 RCW; adding a new chapter to Title 47 RCW; creating a new section; and prescribing penalties

Referred to Committee on Transportation.

HB 1385 by Representatives Mielke, Ericksen, Woods, Schindler, Anderson, Shabro, Ahern, Jarrett, Talcott, Clements, Chandler, Buck, Boldt, Benson, Schoesler, Nixon, Pflug, Holmquist and McMahan

AN ACT Relating to incentives to increase transportation revenues by requiring the secretary of transportation to report to the legislature regarding contracting out, and prohibiting collective

bargaining agreements with state employees from bargaining away the ability of a state agency to contract out; amending RCW 41.06.142, 41.80.020, and 41.80.910; adding a new section to chapter 47.01 RCW; repealing RCW 41.06.380 and 41.06.382; providing an effective date; and declaring an emergency

Referred to Committee on State Government.

HB 1386 by Representatives Mielke, Ericksen, Woods, Schindler, Anderson, Shabro, Ahern, Talcott, Clements, Chandler, Boldt, Benson, Schoesler, Nixon, Pflug, Holmquist and McMahan

AN ACT Relating to incentives to increase transportation revenues by reforming prevailing wage laws; and amending RCW 39.12.010, 39.12.015, and 39.12.020

Referred to Committee on Commerce & Labor.

HB 1387 by Representatives Ericksen, Jarrett, Woods, Schindler, Anderson, Bush, McDonald, Shabro, Ahern, Bailey, Talcott, Clements, Chandler, Sehlin, Buck, Mielke, Boldt, Benson, Alexander, Newhouse, Nixon, Pflug, Holmquist and McMahan

AN ACT Relating to transportation governance and accountability; amending RCW 47.01.021, 47.01.041, 43.17.020, 43.160.074, 36.57A.070, 36.79.010, 36.79.120, 36.79.130, 36.120.020, 47.64.011, 47.64.170, 47.80.060, 46.44.042, 46.44.080, 46.44.096, 46.44.090, 46.44.092, 46.61.450, 47.01.012, 35.58.2795, 47.56.070, 47.01.071, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030, 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.26.440, 47.28.010, 47.28.170, 47.38.060, 47.56.120, 47.56.250, 47.52.133, 47.52.145, 47.52.210, 47.56.080, 47.02.120, 47.02.140, 47.10.843, 47.10.844, 47.12.200, 47.12.220, 47.17.132, 47.46.090, 47.46.120, 47.56.032, 47.56.030, 47.56.076, 47.56.110, 47.60.013, 47.60.150, 47.60.326, 47.60.330, 47.60.445, 47.60.800, and 36.120.050; reenacting and amending RCW 43.160.010; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 47.01.051 and 47.01.061; and providing an effective date

Referred to Committee on Transportation.

HB 1388 by Representatives Woods, Ericksen, Ahern, Schindler, Jarrett, Bush, Shabro, Anderson, Bailey, Talcott, Clements, Chandler, Mielke, Boldt, Newhouse, Schoesler, Nixon, Pearson, Pflug and McMahan

AN ACT Relating to incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service; amending RCW 47.60.120 and 47.64.090; and creating a new section

Referred to Committee on Transportation.

HB 1389 by Representatives Jarrett, Ericksen, Woods, Schindler, Anderson, Bush, Kristiansen, Shabro, Ahern, Bailey, McDonald, Talcott, Clements, Chandler, Sehlin, Buck, Mielke, Boldt, Alexander, Newhouse, Schoesler, Nixon, Pearson, Pflug, Campbell and Holmquist

AN ACT Relating to incentives to increase transportation revenues by ensuring government efficiencies through performance audits conducted by the legislative transportation committee; adding new sections to chapter 44.40 RCW; adding a new section to chapter 47.01 RCW; and creating new sections

Referred to Committee on Transportation.

HB 1390 by Representatives Moeller, Jarrett, Lovick, Fromhold, Veloria, Kessler, Pettigrew, Miloscia, McDermott, Dunshee, Uptegrove, DeBolt, Wallace, Wood, Sullivan, Schual-Berke, Kagi and Nixon

AN ACT Relating to the process for election to local nonpartisan offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; creating a new section; and repealing RCW 29.30.085

Referred to Committee on Local Government.

HB 1391 by Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, McIntire, Cooper, Moeller, Simpson, Flannigan, Wallace, Wood and Kenney

AN ACT Relating to requests for postconviction DNA testing; and amending RCW 10.73.170

Referred to Committee on Criminal Justice & Corrections.

HB 1392 by Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, Moeller, Cooper, Simpson, McIntire, Flannigan, Murray, Darneille, Conway, Wood, Kenney, Kessler, Schual-Berke, Linville and Uptegrove

AN ACT Relating to controlled substances; amending RCW 9.94A.518; reenacting and amending RCW 9.94A.515; and providing an effective date

Referred to Committee on Criminal Justice & Corrections.

HB 1393 by Representatives O'Brien, Moeller, Delvin, Sullivan, Kagi, Cooper, Simpson, McIntire, Flannigan and Darneille

AN ACT Relating to first-time offenders; amending RCW 9.94A.650; adding a new section to chapter 9.94A RCW; and creating a new section

Referred to Committee on Criminal Justice & Corrections.

HB 1394 by Representatives Kagi, Delvin, O'Brien, Moeller, Sullivan, Cooper, Campbell, McIntire, Flannigan and Wallace

AN ACT Relating to threshold property values for crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties

Referred to Committee on Criminal Justice & Corrections.

HB 1395 by Representatives Sullivan, Bailey, Wood, Chandler and Pflug

AN ACT Relating to the catering of alcoholic beverages at special events by nonprofit organizations; and amending RCW 66.24.320, 66.24.420, 66.24.570, and 66.24.375

Referred to Committee on Commerce & Labor.

HB 1396 by Representatives Conway, Cairnes, O'Brien, Roach, Hankins, Bush, Ericksen, McDonald, Delvin and Woods

AN ACT Relating to off-duty employment by state patrol officers; and amending RCW 43.43.112

Referred to Committee on Transportation.

HB 1397 by Representatives Hankins, Lantz, Delvin, Romero, Upthegrove, Jarrett, Schindler, Moeller, Berkey, Wallace, Benson and Sullivan

AN ACT Relating to local government land use and zoning powers over gambling activities; and amending RCW 9.46.295

Referred to Committee on Commerce & Labor.

HB 1398 by Representatives Murray and Jarrett; by request of Office of Financial Management

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.901; and repealing RCW 47.06B.030 and 47.06B.900

Referred to Committee on Transportation.

HB 1399 by Representatives Clibborn, Campbell, Ruderman, Wallace, Moeller, Conway, McIntire, Benson, Sullivan, Kenney, Kessler, Schual-Berke, Kagi and Upthegrove; by request of Insurance Commissioner

AN ACT Relating to prescription drug marketing and disclosure; adding a new section to chapter 18.64 RCW; creating new sections; and prescribing penalties

Referred to Committee on Health Care.

HB 1400 by Representative Grant

AN ACT Relating to controlling dogs that are a threat to public safety; amending RCW 16.08.070 and 16.08.030; and creating new sections

Referred to Committee on Judiciary.

HB 1401 by Representatives Grant, Armstrong, Morris, Shabro, Talcott, Hatfield, Condotta, Nixon, Carrell, Kristiansen, Bush, Crouse, Linville, Hinkle, Wallace, Ericksen, Roach, Cairnes, Benson, Skinner, Alexander, Holmquist, Chandler, Newhouse, Cox, Bailey, Sump, Sehlin, Schoesler, Woods, Pearson, McDonald, Pflug, Campbell, Mielke and McMahan

AN ACT Relating to updating state law to conform to changes in federal estate tax; amending RCW 11.02.005 and 83.100.020; and creating a new section

Referred to Committee on Finance.

HB 1402 by Representatives Campbell, O'Brien and Benson

AN ACT Relating to protecting public safety; and amending RCW 9.94A.631

Referred to Committee on Criminal Justice & Corrections.

HB 1403 by Representatives Kenney, Cox, Grant, Fromhold, Jarrett, Conway, McIntire, Benson, Berkey and Upthegrove; by request of State Board for Community and Technical Colleges

AN ACT Relating to exceptional faculty award grants; and amending RCW 28B.50.839

Referred to Committee on Higher Education.

HB 1404 by Representatives Ruderman, Nixon, Lovick, Bush, Sullivan, Dickerson, Miloscia, Morris, Conway, Dunshee, McCoy, Schual-Berke, Jarrett, Flannigan, Simpson, Kenney, Upthegrove, Pettigrew, Kirby, Chase, Talcott, McMahan, McDonald, Tom, Linville, Kagi, Berkey and Campbell

AN ACT Relating to motor vehicle fuel tax revenues attributable to certain counties to be spent within those counties; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.68 RCW; and providing an expiration date

Referred to Committee on Transportation.

HB 1405 by Representatives McMahan, Mielke, Sump, Benson, Cox, Orcutt, Kristiansen, Holmquist, Schoesler, Talcott, Roach, Bush, Bailey, Newhouse, Condotta and Ahern

AN ACT Relating to health care services for offenders sentenced to death; adding a new section to chapter 72.10 RCW; and creating a new section

Referred to Committee on Criminal Justice & Corrections.

HB 1406 by Representatives McMahan, Benson, Sump, Orcutt, Cox, Carrell, Bailey, Kristiansen, Holmquist, Mielke, Roach, Bush, Cairnes, Nixon, Ahern and Pearson

AN ACT Relating to motor vehicle theft; reenacting and amending RCW 13.40.0357; and prescribing penalties

Referred to Committee on Criminal Justice & Corrections.

HB 1407 by Representatives McMahan, Carrell, Talcott, Sump, Mielke, Bush, Woods, Ericksen, Bailey, Schoesler, Kristiansen, Cox, Benson, Schindler, Nixon, Condotta, Delvin, Ahern and Pearson

AN ACT Relating to assault as a predicate for felony murder; amending RCW 9A.32.050; creating a new section; and declaring an emergency

Referred to Committee on Criminal Justice & Corrections.

HB 1408 by Representatives McMahan, Carrell, Mielke, Hinkle, Benson, McDonald, Sump, Orcutt, Boldt, Kristiansen, Talcott, Schindler, Lovick, O'Brien, Roach, Bush, Bailey, Holmquist and Pearson

AN ACT Relating to the safety and well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency

Referred to Committee on Judiciary.

HB 1409 by Representatives Upthegrove, Hunt and Clibborn

AN ACT Relating to littering; amending RCW 70.93.030, 70.93.060, 7.80.120, and 46.61.645; creating a new section; and prescribing penalties

Referred to Committee on Fisheries, Ecology & Parks.



HB 1410 by Representatives Fromhold, Delvin, Conway, Moeller, Wallace, Sullivan and Kenney

AN ACT Relating to maintenance and repair of electrical appliances by a public utility district that provides electrical service; and adding a new section to chapter 54.16 RCW

Referred to Committee on Commerce & Labor.

HB 1411 by Representatives Fromhold, Wallace, Kenney, Moeller, Boldt and Sullivan

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240

Referred to Committee on Local Government.

HB 1412 by Representatives Schual-Berke, Skinner, Linville, Benson, Nixon, Conway, Jarrett, Kagi, Chase, Cody, Darneille and Kenney

AN ACT Relating to the children's environmental health and protection advisory council; creating new sections; and providing an expiration date

Referred to Committee on Fisheries, Ecology & Parks.

HB 1413 by Representatives Mielke, Orcutt, Boldt, McMahan, Pearson, Ahern, Benson, Sullivan and Campbell

AN ACT Relating to veterans' license plates; and amending RCW 73.04.110

Referred to Committee on Transportation.

HB 1414 by Representatives Mielke, Moeller, McMahan, Orcutt, Boldt, Ahern, Pearson and Kristiansen

AN ACT Relating to county commissioner elections; and amending RCW 36.32.050

Referred to Committee on Local Government.

HB 1415 by Representatives Mielke, O'Brien, Orcutt, Schindler, McMahan, Boldt and Pearson

AN ACT Relating to exempting qualified individuals from mandatory firearms training courses; and amending RCW 77.32.155

Referred to Committee on Fisheries, Ecology & Parks.

HB 1416 by Representatives Mielke, O'Brien, Boldt, McMahan, Schindler and Woods

AN ACT Relating to restoration of juvenile driving privileges; and amending RCW 46.20.265

Referred to Committee on Juvenile Justice & Family Law.

HB 1417 by Representatives Mielke, Ahern, McMahan, Boldt and Pearson

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130, 27.12.420, 27.12.470, and 29.21.015; and adding new sections to chapter 27.12 RCW

Referred to Committee on Local Government.

HB 1418 by Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlin, Bailey and Linville

AN ACT Relating to drainage infrastructure; and amending RCW 77.55.060, 77.15.320, and 77.55.100

Referred to Committee on Agriculture & Natural Resources.

HB 1419 by Representatives Quall, Schoesler, Blake, Sump, Grant, Eickmeyer, Orcutt, Morris, Hatfield, Sehlin, Benson, Sullivan, Bailey, Pearson and Linville

AN ACT Relating to compensating property owners for damages caused by conditions in hydraulic project approvals; amending RCW 64.40.010 and 64.40.020; adding a new section to chapter 64.40 RCW; adding a new section to chapter 77.55 RCW; and declaring an emergency

Referred to Committee on Agriculture & Natural Resources.

HB 1420 by Representatives Quall, Schoesler, Eickmeyer, Sump, Grant, Kristiansen, Hunt, Blake, McDermott, Hatfield, Sehlin, Bailey and Linville

AN ACT Relating to drainage facilities; and amending RCW 85.38.180

Referred to Committee on Agriculture & Natural Resources.

HB 1421 by Representatives Quall, Schoesler, Morris, Sehlin, Hatfield, Benson, Sullivan, Bailey and Linville

AN ACT Relating to enhancement of fish habitat on public lands in Skagit county; adding a new section to chapter 77.85 RCW; and creating a new section

Referred to Committee on Agriculture & Natural Resources.

HB 1422 by Representatives Pflug, Jarrett, Priest, Morris, Cox, Skinner and McDonald

AN ACT Relating to focusing public investment in higher education on priority academic disciplines; amending RCW 28B.80.330; adding a new section to chapter 28B.80 RCW; creating new sections; providing an expiration date; and declaring an emergency

Referred to Committee on Higher Education.

HJM 4008 by Representatives Simpson, Cody, Miloscia, Dunshee, Voloria, Darneille, Hudgins, Moeller, Dickerson, Hunt, McIntire, Cooper, Flannigan, Chase, Ruderman, Pettigrew, McDermott, Conway and Kenney

Opposing a preemptive attack on Iraq.

Referred to Committee on State Government.

HJM 4009 by Representatives Mielke, Orcutt, McMahan, Ahern, Boldt, O'Brien, Pearson, Schindler, Woods and Upthegrove

Requesting Congress to eliminate the requirement for collection of social security numbers on recreational license applications.

Referred to Committee on Fisheries, Ecology & Parks.

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

## REPORTS OF STANDING COMMITTEES

January 22, 2003

HB 1063 Prime Sponsor, Representative Morrell: Concerning projects to be funded by loans from the public works assistance account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Voloria and Woods.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 27, 2003, the 15<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWELFTH DAY, JANUARY 24, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTEENTH DAY**

---

House Chamber, Olympia, Monday, January 27, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adam Doumit and Naomi Picinich. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Janet Tanaka, Spiritual Assembly of the Baha'i of Thurston County.

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

**INTRODUCTION & FIRST READING**

HB 1423 by Representatives Ahern, Pearson, Kristiansen, Sump, Cairnes, McCoy, Mielke, McMahan, Sehlin, Benson, Crouse, Roach, Cox, Schoesler, Anderson, Lovick, Priest, Berkey, Kirby, Hunt, Shabro, Schindler, Boldt, Bush, Alexander, Newhouse, Chandler, Woods, Sullivan, Rockefeller, Conway, Condotta, Hudgins and Campbell

AN ACT Relating to increasing penalties for manufacturing methamphetamine; amending RCW 69.50.406, 69.50.415, 9.94A.533, 9.94A.518, and 9.94A.610; reenacting and amending RCW 69.50.401, 9.94A.510, 9.94A.515, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1424 by Representatives Fromhold, Cox, Cooper, Delvin, O'Brien, Linville, Hunt, Sullivan, Conway and Eickmeyer

AN ACT Relating to subsidies for health benefit premiums; amending RCW 41.05.085; adding a new section to chapter 41.05 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1425 by Representatives Fromhold, Delvin, Linville, Cox, O'Brien, Cooper, Hunt, Sullivan, Rockefeller, Conway, Darneille, Campbell, Upthegrove, Kenney and McDonald

AN ACT Relating to health care coverage for retired or disabled school employees and retired state employees; adding a new section to chapter 41.05 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1426 by Representatives Conway, Delvin, O'Brien, Cox, Linville, Cooper, Hunt and Veloria

AN ACT Relating to extraordinary investment gain sharing for plans 1 and 3; and amending RCW 41.31.010, 41.31.030, and 41.31A.020; and providing an effective date.

Referred to Committee on Appropriations.

HB 1427 by Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 1428 by Representatives Wood, Conway, Cooper and Kenney

AN ACT Relating to electrical trainees; and amending RCW 19.28.161 and 19.28.271.

Referred to Committee on Commerce & Labor.

HB 1429 by Representatives Bush, Shabro, Mielke, Benson, Anderson, Carrell, Boldt, Roach, Sump, Hinkle, Kristiansen, Schindler, Ahern, McMahan, Campbell, Pflug and McDonald

AN ACT Relating to property tax appeals; amending RCW 84.40.0301; and creating a new section.

Referred to Committee on Finance.

HB 1430 by Representatives Miloscia, Armstrong, Haigh and Benson

AN ACT Relating to housing; and amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, and 19.85.070.

Referred to Committee on State Government.

HB 1431 by Representatives McDermott, McMahan, Hunt, Kenney, Haigh, Rockefeller, Simpson, Alexander, Cody, Berkey and Linville; by request of Secretary of State

AN ACT Relating to the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.040, 29.15.050, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.070, 29.24.060, 29.36.270, 29.38.020, 29.38.030, 29.62.020, 42.12.040, 42.17.080, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; adding a new section to chapter 29.38 RCW; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on State Government.

HB 1432 by Representatives Nixon and McMahan

AN ACT Relating to making blank petitions available in electronic form; and amending RCW 29.79.080.

Referred to Committee on State Government.

HB 1433 by Representatives Cooper, Pearson, Lovick and Kristiansen

AN ACT Relating to designation of highways of statewide significance; and amending RCW 47.05.022.

Referred to Committee on Transportation.

HB 1434 by Representatives Anderson, Shabro, Nixon, Pflug, Talcott, Tom, Jarrett and Cairnes

AN ACT Relating to studying housing needs of nonsupervisory education employees; and creating new sections.

Referred to Committee on Education.

HB 1435 by Representatives Armstrong, Linville, Schoesler, McDermott, Hinkle, Wood, Newhouse, Grant, Quall, Holmquist and Condotta

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.243; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1436 by Representatives Armstrong, Sump, Hinkle, Condotta, Clements, Newhouse, Carrell, Pearson, Holmquist and McMahan

AN ACT Relating to allowing rural counties to remove themselves from the requirements to plan under chapter 36.70A RCW; amending RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1437 by Representatives Kenney, Cox, Fromhold and Wallace; by request of Governor Locke

AN ACT Relating to tuition-setting authority at institutions of higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; and creating a new section.

Referred to Committee on Higher Education.

HB 1438 by Representatives Sullivan, Jarrett, Upthegrove, Nixon, Schoesler, Crouse, Wood, Gombosky, Ruderman, Cooper, Linville, Rockefeller, Hudgins, McDermott and Wallace

AN ACT Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles; amending RCW 46.04.320; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1439 by Representatives Kenney, Conway, Chandler, Tom, Kagi, Wood and Wallace

AN ACT Relating to seller disclosure of the presence of uncertified wood stoves or uncertified fireplace inserts; and amending RCW 64.06.020.

Referred to Committee on Commerce & Labor.

HB 1440 by Representatives Conway, Chandler, Tom and Wood

AN ACT Relating to allowing out-of-state licensees to practice commercial real estate; amending RCW 18.85.010; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Commerce & Labor.

HB 1441 by Representatives Linville, Chase, Nixon, Sullivan, Anderson, Wood and Morrell

AN ACT Relating to tax exemptions for high gas mileage vehicles; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1442 by Representatives Wood and Chandler

AN ACT Relating to timeshares; amending RCW 64.36.020; and adding new sections to chapter 64.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1443 by Representatives Wood, Schoesler, Cox, Grant, Chandler and Hunt

AN ACT Relating to obtaining a geologist license; amending RCW 18.220.010 and 18.220.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1444 by Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell

AN ACT Relating to protection of proprietary or confidential information acquired through state health services purchasing; amending RCW 42.30.110 and 41.05.026; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1445 by Representatives Conway, Chandler, Kenney, Fromhold and Clements

AN ACT Relating to the relationship between motor vehicle manufacturers and dealers; amending RCW 46.96.020, 46.96.105, and 46.96.185; adding new sections to chapter 46.96 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1446 by Representatives Sommers, Fromhold, Morrell and Wallace; by request of Office of Financial Management

AN ACT Relating to consolidating state functions that are necessary to implement the 2003-2005 omnibus operating appropriations bill; amending RCW 41.06.070, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.170, 41.06.020, 41.06.130, 41.50.010, 41.54.010, 43.17.020, 43.33A.020, 47.64.011, 47.64.090, 47.64.190, 47.64.210, 47.64.220, 47.64.240, 47.64.280, 41.58.020, 43.17.020, 9.46.0201, 9.46.0205, 9.46.0209, 9.46.0217, 9.46.0233, 9.46.0261, 9.46.0273, 9.46.0282, 9.46.0311, 9.46.0315, 9.46.0321, 9.46.0331, 9.46.0335, 9.46.0345, 9.46.0351, 9.46.0356, 9.46.0361, 9.46.060, 9.46.070, 9.46.0701, 9.46.071, 9.46.075, 9.46.077, 9.46.080, 9.46.090, 9.46.095, 9.46.100, 9.46.116, 9.46.120, 9.46.130, 9.46.140, 9.46.150, 9.46.153, 9.46.158, 9.46.160, 9.46.170, 9.46.198, 9.46.210, 9.46.215, 9.46.250, 9.46.293, 9.46.300, 9.46.310, 9.46.350, 9.46.360, 9.46.400, 9.46.420, 51.12.020, 51.16.210, 67.16.010, 67.16.040, 67.16.100, 67.16.101, 67.16.105, 67.16.130, 67.16.140, 67.16.150, 67.17.005, 67.17.120, 82.04.350, 43.21J.030, 43.41.270, 77.55.290, 77.85.070, 77.85.110, 79.01.295, 89.08.010, 89.08.020, 89.08.070, 89.08.080, 89.08.090, 89.08.100, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.150, 89.08.160, 89.08.170, 89.08.180, 89.08.185, 89.08.200, 89.08.210, 89.08.220, 89.08.341, 89.08.350, 89.08.370, 89.08.410, 89.08.470, 89.08.480, 89.08.520, 89.08.530, 89.08.540, 90.64.005, 90.64.010, 90.64.026, 90.64.028, 90.64.080, 90.64.140, 90.64.800, 90.64.810, 90.71.020, 39.19.020, 39.19.030, 39.19.090, 39.19.120, 39.19.140, 39.19.150, 39.19.160, 39.19.200, 39.19.240, 43.63A.690, 43.172.010, 43.172.030, 47.28.030, 39.04.160, and 43.19.536; reenacting and amending RCW 43.17.010, 42.17.2401, 43.17.010, 42.17.2401, 70.146.060, and 42.17.2401; adding a new section to chapter 43.78 RCW; adding a new section to chapter 41.56 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 49.60 RCW; adding new chapters to Title 43 RCW; creating new sections; repealing RCW 43.78.010, 43.78.020, 43.78.110, 41.06.030, 41.50.020, 41.50.050, 9.46.0221, 9.46.040, 9.46.050, 9.46.085, 67.16.012, 67.16.014, 67.16.015, 67.16.017, 89.08.030, 89.08.040, 89.08.050, 89.08.060, 39.19.041, 39.19.050, 39.19.060, 39.19.170, 39.19.210, 39.19.220, 39.19.230, 41.06.082, and 39.19.200; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1447 by Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

AN ACT Relating to human services-related statutory changes necessary to implement the 2003-2005 omnibus operating appropriations bill; amending RCW 13.40.510, 43.70.555, 69.50.520, 74.14A.060, 74.14C.005, 43.70.545, 43.70.580, 13.32A.040, 13.32A.100, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.191, 13.32A.194, 13.32A.196, 13.32A.010, 13.32A.030, 13.32A.170, 70.96A.235, 13.32A.050, 13.60.020, 74.13.036, 13.32A.110, 13.32A.120, 13.32A.192, 13.32A.197, 74.15.220, 74.15.240, 74.20A.030, 13.34.270, 74.13.350, 74.14D.020, 74.14D.030, 13.34.160, 74.13.031, 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030, 43.190.030, 74.04.005, 74.08A.100, 74.09.010, 74.09.035, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.506, 74.46.521, 70.47.060, 70.96A.350, 9.94A.728, 9.94A.500, 9.94A.545, 9.94A.690, 9.94A.700, 9.94A.705, 9.94A.710, 9.94A.715, 9.94A.720, 9.94A.780, 9.92.060, 9.95.204, 9.95.210, 9.94A.750, 9.94A.760, 9.94A.760, 4.56.100, 9.94A.780, and 71.09.300; amending 2002 c 290 s 30 (uncodified); amending 2002 c 290 s 31 (uncodified); reenacting and amending RCW 13.32A.060, 13.32A.065, 74.15.020, 9.94A.728, and 9.94A.753; adding a new section to chapter 74.46 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 43.20B RCW; creating new sections; repealing RCW 43.06A.010, 43.06A.020, 43.06A.030, 43.06A.050, 43.06A.060, 43.06A.070, 43.06A.080, 43.06A.085, 43.06A.090, 43.06A.100, 43.06A.900, 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.100, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.910, 43.330.135, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 74.14C.050, 13.32A.125, 13.32A.042, 13.32A.090, 13.32A.095, 13.32A.130, 74.13.032, 74.13.033, 74.13.034, 43.41.190, 43.41.195, 74.13.035, 74.13.0321, 74.14D.040, 71.24.450, 71.24.455, 71.24.460, and 71.09.270; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1448 by Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

AN ACT Relating to general government-related statutory changes necessary to implement the 2003-2005 omnibus operating appropriations bill; amending RCW 43.185.050, 43.330.090, 43.132.020, 43.132.030, 43.132.800, 43.132.810, 27.04.045, 27.04.100, 27.18.010, 27.12.100, 40.06.020, 17.15.040, 40.06.030, 42.30.110, 70.95C.060, 41.45.010, 41.45.054, and 41.45.060; reenacting and amending RCW 41.45.070 and 43.135.045; repealing RCW 43.07.220, 43.07.230, 43.07.240, 43.07.365, 36.27.100, 36.27.110, 36.27.120, 38.52.040, and 43.105.290; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1449 by Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

AN ACT Relating to the education-related statutory changes necessary to implement the 2003-2005 omnibus operating appropriations bill; amending RCW 28A.165.070, 28B.10.782, 28A.500.020, 28A.500.030, 28A.660.020, 28A.660.030, 28A.660.050, 28A.400.205, 28A.400.206, 28B.50.465, 28B.50.468, and 84.52.068; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1450 by Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

AN ACT Relating to consolidating fish and wildlife accounts to implement the 2003-2005 omnibus operating appropriations bill; amending RCW 46.09.170, 76.12.110, 77.12.170, 77.12.810, 77.12.820, 77.12.858, 77.32.440, 77.44.030, 77.60.150, 77.60.160, 90.56.510, 43.21B.300,



77.12.177, 77.65.230, 77.65.240, 77.70.150, 77.70.190, 77.70.300, 77.70.440, 77.95.090, 82.27.070, 82.36.330, 77.95.090, 70.95E.080, 70.95E.090, 70.105D.070, and 82.19.040; reenacting and amending RCW 43.84.092; adding a new section to chapter 77.04 RCW; repealing RCW 43.21K.170, 77.44.050, 77.85.170, 77.95.130, 77.70.320, 77.70.330, and 70.93.180.

Referred to Committee on Appropriations.

HB 1451 by Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

AN ACT Relating to basic health care plan enrollment; amending RCW 43.72.900; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1452 by Representatives Rockefeller, Nixon, Haigh, Morris, Jarrett, Campbell and McDermott

AN ACT Relating to small trailer fees; amending RCW 46.16.0621; adding a new section to chapter 46.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1453 by Representatives Kenney, Cox, Fromhold, Jarrett, McCoy, Berkey, Hudgins, Wood, Priest, Conway, Linville, McIntire, Benson, Rockefeller, Anderson, Lantz, Morrell, Wallace and Upthegrove

AN ACT Relating to improving articulation and transfer between institutions of higher education; amending RCW 28B.80.280 and 28B.80.290; adding new sections to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1454 by Representatives Morris, Cairnes, Gombosky, Bush, O'Brien, Linville, Anderson, Kirby, Tom, Grant, Kessler, Sullivan, Roach, Benson, Newhouse, Chandler, Orcutt, Nixon, Woods, Rockefeller, McMahan, Campbell, Pflug, Upthegrove and Ruderman

AN ACT Relating to business and occupation tax credits and deferrals for research and development and high technology job creation; and amending RCW 82.04.4452 and 82.63.030.

Referred to Committee on Finance.

HB 1455 by Representatives Santos, Kenney, Benson, Schual-Berke, Quall, O'Brien, Cooper, Berkey, Dunshee, Haigh, Morris, Sullivan, Skinner, Miloscia, Voloria, Delvin, Hatfield, Simpson and Wallace; by request of Department of Financial Institutions

AN ACT Relating to licensing and regulating money transmission and currency exchange; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1456 by Representatives Upthegrove, Schual-Berke, Sullivan, Nixon and Wallace

AN ACT Relating to establishing the joint task force on essential public facilities; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1457 by Representatives Alexander, Holmquist, Miloscia, DeBolt, Anderson, Rockefeller, Armstrong, Ahern, Carrell, Pearson, Schoesler, Cox, Roach, Kristiansen, Condotta, Hinkle, Schindler, Newhouse, Chandler, Boldt, Benson, Bush, Nixon, Woods, McMahan and Campbell

AN ACT Relating to greater fiscal responsibility in state budgeting through zero-based budget reviews; adding a new chapter to Title 44 RCW; providing an effective date; and declaring an emergency

Referred to Committee on Appropriations.

HB 1458 by Representative Alexander

AN ACT Relating to authorizing retirement incentive programs; amending RCW 41.32.480, 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.180, 41.40.630, 41.40.820, and 43.43.250; adding a new chapter to Title 41 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1459 by Representatives Pettigrew, Schoesler, Hunt, Chandler, Sullivan, Rockefeller, Eickmeyer, Grant, Hudgins, Cody, Veloria, Anderson, Berkey, Campbell, Wallace, McDermott, McDonald and Ruderman

AN ACT Relating to the marketing of bottled wine at farmers markets; and amending RCW 66.24.170.

Referred to Committee on Commerce & Labor.

HB 1460 by Representatives Pettigrew, Santos, Sullivan, Chase, Linville, Schual-Berke, Veloria, Rockefeller, Conway, Darneille, Wallace, Upthegrove, Kenney and McDermott

AN ACT Relating to a Washington state day of remembrance; amending RCW 1.16.050; and adding a new section to chapter 1.16 RCW

Referred to Committee on State Government.

HB 1461 by Representatives Schual-Berke, Sullivan, Morris, Ruderman, Kessler and Cody

AN ACT Relating to stem cell research and human cloning; adding a new chapter to Title 70 RCW; and prescribing penalties

Referred to Committee on Health Care.

HB 1462 by Representatives Morris, Cairnes, Gombosky, Ruderman, Nixon, Ericksen, Miloscia, Anderson, Wallace, Benson, Newhouse, Tom, Chandler, Orcutt, Woods, McMahan, Talcott and Campbell

AN ACT Relating to local government business and occupation tax on intellectual property; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Finance.

HB 1463 by Representatives Sullivan, Ericksen, Simpson, Jarrett and Anderson

AN ACT Relating to signs on bus shelters; amending RCW 47.12.120 and 47.36.030; and adding a new section to chapter 47.36 RCW

Referred to Committee on Transportation.

HB 1464 by Representatives Boldt, Nixon and Anderson

AN ACT Relating to community-based and faith-based social services organizations; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Children & Family Services.

HB 1465 by Representatives Boldt, Mielke and McMahan

AN ACT Relating to allowing an exemption from temporary assistance for needy families' time limits; and amending RCW 74.08A.010.

Referred to Committee on Children & Family Services.

HB 1466 by Representatives Quall, Tom, Haigh, Talcott, McDermott, Anderson, Linville, Rockefeller, Ericksen, Upthegrove, Jarrett, Dunshee, Nixon, Kessler, Ruderman, Eickmeyer, Cox, Lovick, Hunt, Grant, Woods, Wallace, Pflug, Kenney and Fromhold

AN ACT Relating to natural science, wildlife, and environmental education; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HJM 4010 by Representatives Haigh, Conway, Talcott, Bush, Sehlin, Bailey, O'Brien, Simpson, McCoy, Hatfield, Carrell, Woods, Rockefeller, Anderson, Blake, Eickmeyer, Wood, Linville, McMahan, Campbell, Wallace, Upthegrove, Kenney and McDonald; by request of Joint Select Committee on Veterans' and Military Affairs

Requesting that veterans receive concurrent retirement and disability payments.

Referred to Committee on State Government.

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

## **REPORTS OF STANDING COMMITTEES**

HB 1013 Prime Sponsor, Representative Morris: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Technology, Telecommunications & Energy

January 22, 2003

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Sullivan, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

HB 1053 Prime Sponsor, Representative Miloscia: Enhancing government accountability. Reported by Committee on State Government

January 23, 2003

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

January 23, 2003

HB 1214 Prime Sponsor, Representative Cody: Making prescription drugs more available. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Benson and Skinner.

Referred to Committee on Appropriations.

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

There being no objection, HOUSE BILL NO. 1053 was placed on the Second Reading.

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

There being no objection, the House adjourned until 9:55 a.m., January 28, 2003, the 16<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTEENTH DAY, JANUARY 27, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SIXTEENTH DAY**

---

House Chamber, Olympia, Tuesday, January 28, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 1467 by Representatives Ericksen and Anderson

AN ACT Relating to providing incentives for the purchase of hybrid and fuel cell vehicles; amending RCW 82.08.020; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1468 by Representatives Ericksen, Anderson and McMahan

AN ACT Relating to business and occupation tax deductions for charitable contributions; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1469 by Representatives Ericksen and Anderson

AN ACT Relating to habitat mitigation banks; and adding a new chapter to Title 90 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1470 by Representatives Cox, Haigh, Schoesler, Sump, Quall and Santos

AN ACT Relating to residency for purposes of attending Washington public schools; and amending RCW 28A.225.170.

Referred to Committee on Education.

HB 1471 by Representatives O'Brien, Schindler, Mielke, Miloscia, Lovick, Nixon, Ahern, Holmquist, Hinkle, McMahan, Pearson and Anderson

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020, 84.36.030, and 84.36.800; and creating a new section.

Referred to Committee on Finance.

HB 1472 by Representatives Veloria, Skinner, Eickmeyer, McCoy, Miloscia, McDonald and Condotta

AN ACT Relating to clean and sober housing; amending RCW 59.18.290; adding a new section to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1473 by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

AN ACT Relating to filling vacancies in office; amending RCW 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 1474 by Representatives Chandler, Condotta, Holmquist, Crouse, Benson, Clements, Kristiansen, Newhouse, Hinkle, Cox, Alexander, Priest, McDonald, Bailey, McMahan, Talcott, Schindler, Ahern, Mielke, Sump, Schoesler, Carrell, Bush, Anderson, Ericksen, Woods, Pflug and Pearson

AN ACT Relating to ergonomics rules; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 1475 by Representatives Pearson, Grant, Mielke, Sump, Boldt, Kristiansen, Chandler, Hinkle, Condotta, Armstrong, Buck and Anderson

AN ACT Relating to clarifying the definition of ordinary high water mark; and amending RCW 90.58.030.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1476 by Representatives Pearson, Grant, Sump, Kristiansen, Boldt, Mielke, Armstrong, Condotta, Buck and Campbell

AN ACT Relating to improving the safety of recreational users of the state's rivers and streams; amending RCW 77.55.100; adding a new section to chapter 79.90 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1477 by Representatives Cooper, Hankins and Anderson

AN ACT Relating to fuel tax evasion; amending RCW 82.36.380 and 82.38.270; adding new sections to chapter 82.36 RCW; adding new sections to chapter 82.38 RCW; creating a new section; repealing RCW 82.36.306 and 82.38.182; and prescribing penalties.

Referred to Committee on Transportation.

HB 1478 by Representatives Cooper and Hankins

AN ACT Relating to changing the payment date of motor vehicle fuel tax and special fuel tax when paying by electronic funds transfer; amending RCW 82.36.035 and 82.38.160; repealing RCW 82.36.405 and 82.38.289; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1479 by Representatives Sullivan, Ericksen, Rockefeller, Miloscia and Woods; by request of Department of Transportation

AN ACT Relating to authorizing the ferry system to use alternative public works contracting procedures; and amending RCW 39.10.020.

Referred to Committee on Transportation.

HB 1480 by Representatives Clibborn, Ericksen and Wallace; by request of Department of Transportation

AN ACT Relating to sharing of appraisal information in condemnation proceedings; and amending RCW 8.25.120.

Referred to Committee on Judiciary.

HB 1481 by Representatives Sullivan, Ericksen and Veloria; by request of Department of Transportation

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035.

Referred to Committee on Judiciary.

HB 1482 by Representatives Wallace, Ericksen and Rockefeller; by request of Department of Transportation

AN ACT Relating to transferring accident data processing to the department of transportation; amending RCW 46.52.030, 46.52.050, 46.52.060, 46.52.065, 46.52.080, 46.52.085, and 46.29.060; reenacting and amending RCW 46.52.120; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1483 by Representatives Lantz and Campbell

AN ACT Relating to the board of industrial insurance appeals; and amending RCW 51.52.010 and 51.52.104.

Referred to Committee on Commerce & Labor.

HB 1484 by Representatives Sullivan and Bailey

AN ACT Relating to the excise tax treatment of confectioneries; amending RCW 82.08.0293 and 82.12.0293; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1485 by Representatives Lovick, O'Brien and Campbell

AN ACT Relating to auto theft; amending RCW 9A.56.070; reenacting and amending RCW 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding new sections to chapter 36.28A RCW; adding a new section to chapter 46.37 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1486 by Representatives O'Brien, Delvin, Cairnes, Lovick, Hankins, Simpson, Roach, Bush, Fromhold, Ericksen, McDonald, Woods, Cooper, Campbell, Anderson and Kenney

AN ACT Relating to exempting the surviving spouse and children of certain law enforcement officers or fire fighters from paying tuition and fees; and amending RCW 28B.15.380.

Referred to Committee on Higher Education.

HB 1487 by Representatives Haigh, Schoesler, Miloscia, Cox, Hunt, Kenney, Rockefeller and Santos

AN ACT Relating to courses of study options offered by public high schools; and amending RCW 28A.230.010 and 28A.230.130.

Referred to Committee on Education.

HB 1488 by Representatives Miloscia, Armstrong, Pettigrew, Morris, Linville, Schual-Berke, Conway, Romero, Chase, Eickmeyer, Haigh, Hunt, Moeller, Anderson, McCoy, Lovick, Upthegrove, Berkey, Morrell, Lantz, Wood and Kenney

AN ACT Relating to quality improvement; adding new sections to chapter 41.04 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 2.04 RCW.

Referred to Committee on State Government.

HB 1489 by Representatives Sullivan, Pflug, Schual-Berke, Crouse, Cody, Santos, Morrell, Wood, Anderson and Kenney

AN ACT Relating to the organ donor registry; amending RCW 68.50.540; adding new sections to chapter 68.50 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.12 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1490 by Representatives Edwards, Campbell and Skinner

AN ACT Relating to creating a license for assisted living facilities; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1491 by Representatives Schual-Berke, Darneille, Benson, Campbell and Upthegrove

AN ACT Relating to preventing increase in the regulatory costs on long-term care providers; amending RCW 18.20.090, 18.51.070, 70.128.040, and 74.08.090; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1492 by Representatives Conway, Campbell, Cody, Skinner, Darneille, Sehlin and Kenney

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.020.

Referred to Committee on State Government.

HB 1493 by Representatives Campbell, Cody and Skinner

AN ACT Relating to dental hygienists; and amending RCW 18.29.050.

Referred to Committee on Health Care.

HB 1494 by Representatives Delvin, Cooper, Jarrett, Berkey, Upthegrove and Conway

AN ACT Relating to the disposition of property to a foreign entity; amending RCW 39.33.010; and declaring an emergency.

Referred to Committee on Local Government.

HB 1495 by Representatives Hudgins, Chandler, Conway and Kenney; by request of Liquor Control Board

AN ACT Relating to the summary suspension of a liquor license pending revocation proceedings; and amending RCW 66.08.150.

Referred to Committee on Commerce & Labor.

HB 1496 by Representatives Sullivan, Cairnes, Gombosky and Sehlin

AN ACT Relating to clarifying the apportionment of business and occupation taxes on certain businesses conducted both within and outside the state; and amending RCW 82.04.460.



Referred to Committee on Finance.

HB 1497 by Representatives O'Brien, Delvin, Mielke, Ruderman, Haigh, Ahern, Anderson, Lovick, Kagi and Kenney

AN ACT Relating to technical reorganization of criminal statutes to simplify citation to offenses; amending RCW 2.48.180, 3.50.440, 4.24.320, 7.40.230, 9.05.030, 9.05.060, 9.08.065, 9.08.070, 9.16.080, 9.18.120, 9.18.130, 9.24.020, 9.24.030, 9.24.050, 9.26A.110, 9.35.020, 9.40.100, 9.40.120, 9.41.040, 9.41.042, 9.41.050, 9.45.020, 9.45.124, 9.45.126, 9.45.210, 9.45.220, 9.46.155, 9.46.215, 9.47.090, 9.47.120, 9.61.160, 9.61.230, 9.62.010, 9.68.060, 9.68A.090, 9.68A.150, 9.81.020, 9.81.030, 9.82.010, 9.86.020, 9.86.030, 9.91.140, 9.91.170, 9.94.010, 9.94.030, 9.94A.518, 9.94A.533, 9.94A.550, 9.94A.605, 9.94A.610, 9.94A.734, 9A.20.021, 9A.36.021, 9A.40.030, 9A.40.070, 9A.44.100, 9A.44.130, 9A.46.020, 9A.48.090, 9A.56.070, 9A.56.080, 9A.56.085, 9A.56.096, 9A.60.040, 9A.64.020, 9A.64.030, 9A.76.023, 9A.76.070, 9A.76.080, 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.160, 9A.84.010, 9A.88.010, 10.66.090, 10.79.015, 10.79.040, 10.95.020, 13.40.070, 13.40.160, 13.40.193, 13.40.265, 14.20.020, 15.21.060, 15.24.200, 15.26.300, 15.30.250, 15.60.055, 15.61.050, 15.80.650, 16.52.015, 16.52.190, 16.52.193, 16.52.200, 16.52.230, 16.58.170, 16.65.440, 17.10.350, 17.21.310, 17.24.100, 18.04.370, 18.06.130, 18.06.140, 18.08.460, 18.32.675, 18.32.745, 18.32.755, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.57.160, 18.64.045, 18.64.046, 18.64.047, 18.64.246, 18.64.270, 18.71.190, 18.92.230, 18.130.075, 18.130.190, 19.09.275, 19.25.020, 19.25.030, 19.25.040, 19.48.110, 19.68.010, 19.76.110, 19.86.145, 19.100.210, 19.105.480, 19.105.520, 19.110.120, 19.110.160, 19.116.080, 19.146.050, 19.146.110, 19.158.160, 20.01.482, 20.01.490, 21.20.400, 21.30.140, 24.06.465, 26.04.210, 28A.405.040, 28A.635.050, 28A.635.090, 28A.635.100, 28B.10.570, 28B.10.571, 28B.10.572, 28B.20.320, 28B.85.030, 29.04.120, 29.15.100, 29.15.110, 29.36.370, 29.51.200, 29.51.230, 29.79.440, 29.82.170, 30.04.240, 30.04.260, 30.12.090, 30.12.100, 30.12.120, 30.42.290, 30.44.110, 30.44.120, 31.12.724, 31.12.850, 32.04.100, 32.04.110, 32.24.080, 33.24.360, 35.32A.090, 35.36.040, 35A.36.040, 36.18.170, 36.28.060, 36.29.060, 36.32.210, 36.68.080, 36.69.180, 36.71.060, 36.75.130, 38.32.090, 38.32.120, 38.52.150, 39.44.101, 39.62.040, 40.16.010, 40.16.020, 40.16.030, 41.26.062, 41.32.055, 42.20.070, 42.20.090, 43.01.100, 43.06.220, 43.06.230, 43.08.140, 43.09.165, 43.19.1939, 43.22.300, 43.22.340, 43.30.310, 43.43.856, 43.70.185, 46.08.170, 46.09.130, 46.10.130, 46.12.070, 46.12.210, 46.12.220, 46.16.010, 46.44.175, 46.44.180, 46.52.010, 46.52.090, 46.55.020, 46.61.015, 46.61.020, 46.61.685, 46.64.010, 46.68.010, 46.70.021, 46.72.100, 46.72A.060, 46.72A.070, 46.80.020, 46.80.190, 46.87.260, 46.87.290, 47.36.180, 47.36.200, 47.36.250, 47.38.010, 47.41.070, 47.52.120, 47.68.233, 47.68.234, 47.68.240, 47.68.255, 48.06.030, 48.06.190, 48.17.480, 48.30.230, 48.30A.015, 48.31.105, 49.12.410, 49.28.010, 49.28.080, 49.28.100, 49.44.100, 49.44.120, 50.36.010, 50.36.020, 50.40.010, 51.48.040, 51.48.103, 51.48.280, 51.52.120, 53.08.220, 53.34.190, 61.12.030, 64.36.020, 64.36.210, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 66.20.200, 66.28.200, 66.28.210, 66.28.220, 66.44.120, 66.44.180, 66.44.290, 67.24.010, 67.70.120, 67.70.130, 67.70.140, 68.28.060, 68.50.100, 68.50.140, 68.50.145, 68.50.150, 68.50.250, 68.50.610, 68.56.040, 69.04.060, 69.04.070, 69.07.150, 69.25.150, 69.25.160, 69.40.020, 69.40.030, 69.41.030, 69.41.040, 69.41.050, 69.41.070, 69.41.300, 69.41.320, 69.41.330, 69.50.402, 69.50.403, 69.50.406, 69.50.408, 69.50.410, 69.50.415, 69.50.416, 69.50.430, 69.50.440, 69.50.505, 69.90.020, 70.05.120, 70.54.090, 70.54.160, 70.58.280, 70.74.180, 70.94.430, 70.95D.100, 70.105.085, 70.106.140, 70.108.130, 70.110.040, 70.111.030, 70.122.090, 70.127.020, 72.23.170, 72.23.300, 74.08.055, 74.08.100, 74.08.331, 76.12.140, 76.36.035, 76.36.110, 76.36.120, 76.48.120, 77.15.194, 77.15.196, 77.15.198, 78.12.061, 79.01.072, 79.01.748, 79.01.810, 79.76.290, 79A.05.165, 80.28.190, 80.28.210, 81.04.390, 81.40.010, 81.40.040, 81.40.060, 81.40.080, 81.40.130, 81.44.085, 81.54.030, 81.56.150, 81.60.070, 81.60.080, 81.64.090, 81.64.160, 81.68.080, 82.08.0273, 82.08.050, 82.36.330, 82.36.400, 82.44.120, 82.45.090, 82.49.065, 82.50.170, 84.08.050, 84.36.387, 84.40.120, 84.40.340, 87.03.200, 87.03.490, 88.02.055, 88.02.118, 88.08.020, 88.08.050, 88.46.080, 90.03.400, 90.48.140, and 90.56.300; reenacting and amending RCW 9.94A.030, 9.94A.515, 9A.46.110, 9A.82.010, 13.40.0357, 18.64.245, 69.41.020, 69.50.401, and 69.50.435; adding new sections to chapter 9.08 RCW; adding a new section to chapter 9.26A RCW; adding a new section to chapter 9.40

RCW; adding new sections to chapter 9.91 RCW; adding new sections to chapter 9A.56 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 19.76 RCW; adding a new section to chapter 19.110 RCW; adding a new section to chapter 69.25 RCW; adding new sections to chapter 69.41 RCW; adding new sections to chapter 69.50 RCW; creating a new section; recodifying RCW 69.41.070; repealing RCW 9.16.090, 9.18.140, 9.45.230, 9.61.170, 9.61.180, 9.68A.140, 9.68A.160, 9.86.050, 9.94.020, 10.79.045, 16.52.195, 18.06.150, 18.64.247, 26.04.230, 28A.405.050, 28A.635.120, 28B.10.573, 28B.20.322, 28B.20.324, 28B.85.110, 29.51.215, 33.24.380, 36.28.070, 36.28.080, 36.28.140, 36.29.070, 36.32.215, 36.32.220, 36.32.225, 36.32.230, 36.75.140, 36.75.150, 43.01.110, 43.22.345, 47.36.210, 47.36.220, 47.36.230, 47.38.030, 48.30A.025, 49.28.020, 49.28.030, 49.28.082, 49.28.084, 49.28.110, 49.44.110, 49.44.130, 61.12.031, 64.36.230, 66.28.250, 66.44.291, 68.50.260, 69.90.040, 70.54.100, 70.54.170, 70.110.060, 70.111.050, 70.127.210, 78.12.062, 81.40.030, 81.40.050, 81.40.070, 81.40.090, 81.40.120, 81.40.140, 81.60.090, 81.64.100, 81.64.110, and 81.64.170; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1498 by Representatives Morrell, Campbell, Cody, Kagi and Santos

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, 18.74.012, and 18.74.030; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 1499 by Representatives Romero, Hunt, Haigh, Moeller, Cooper, Kenney, Simpson, Conway, Campbell, McDermott, Veloria, Flannigan, Cody, Dickerson, Cairnes, Armstrong, Schoesler, Cox, Santos and Wood

AN ACT Relating to early retirement; adding new sections to chapter 41.40 RCW (uncodified); adding a new section to chapter 43.01 RCW (uncodified); adding a new section to chapter 39.29 RCW (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1500 by Representatives Upthegrove, Rockefeller and Cooper

AN ACT Relating to civil enforcement of hydraulic projects; amending RCW 77.15.300; adding a new section to chapter 77.55 RCW; creating a new section; repealing RCW 77.55.140; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1501 by Representative Miloscia

AN ACT Relating to the taxation of direct mail; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1502 by Representatives Miloscia, O'Brien and Lovick

AN ACT Relating to failing to summon assistance; amending RCW 9A.76.050, 9A.76.070, and 9A.76.080; adding a new section to chapter 9A.36 RCW; creating a new section; repealing RCW 9A.76.060; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1503 by Representatives Miloscia, O'Brien, Haigh, Lantz, Lovick, Moeller, Upthegrove and Anderson

AN ACT Relating to performance audits of the judicial branch; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Judiciary.

HB 1504 by Representatives Linville, O'Brien, Romero, Schoesler, Lovick, Cooper, Campbell, Haigh, Armstrong, Schual-Berke, Sullivan, Grant, Ericksen, Buck and Anderson

AN ACT Relating to state parks and recreation commission law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service; amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1505 by Representatives Cody, Campbell, Fromhold, Romero, Schoesler, Schual-Berke, Morrell, Grant, Santos and Kenney

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Appropriations.

HB 1506 by Representatives O'Brien, Romero, Hunt, Lovick, Haigh, Conway, Armstrong, Jarrett, Lantz, Linville, Schual-Berke, Sullivan, Kenney and McDermott

AN ACT Relating to assaults on state employees; and amending RCW 9A.36.031.

Referred to Committee on Criminal Justice & Corrections.

HJR 4206 by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Amending the Constitution to provide for vacancies that occur after the general election.

Referred to Committee on State Government.

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

## **REPORTS OF STANDING COMMITTEES**

January 24, 2003

HB 1019 Prime Sponsor, Representative Nixon: Protecting the identity of electronic toll payers.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott and Nixon.

Passed to Committee on Rules for second reading.

January 24, 2003

HB 1021 Prime Sponsor, Representative Nixon: Eliminating drop-in inspections of campaign accounts.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott and Nixon.

Passed to Committee on Rules for second reading.

January 24, 2003

HB 1032 Prime Sponsor, Representative Veloria: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

January 24, 2003

HB 1033 Prime Sponsor, Representative Kirby: Clarifying the restrictions concerning occupational licenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 24, 2003

HJM 4005 Prime Sponsor, Representative Morris: Supporting the Vancouver 2010 Olympic bid.  
Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 29, 2003, the 17<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTEENTH DAY, JANUARY 28, 2003

---

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

---

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SEVENTEENTH DAY**

---

House Chamber, Olympia, Wednesday, January 29, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington National Guard Combined Color Guard. Prayer was offered by Chaplain Lieutenant Colonel Kenneth Hegtvedt, Brigade Chaplain of the 66th Aviation Brigade.

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

**RESOLUTION**

HOUSE RESOLUTION NO.2003-4607, by Representatives Benson, Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

WHEREAS, Over eight thousand men and women of the Washington National Guard comprised of Air National Guard and Army National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard continues to be prepared to answer the state's call in response to floods, fires, civil disturbances, and all other natural or manmade emergencies and disasters; and

WHEREAS, The Washington National Guard has provided additional security at our state's airports, at our international borders, during the 2002 Winter Olympic Games, and at numerous locations across the globe in protection of our state and nation in answer to the war on terrorism and response to the horrific terrorist attacks on our nation September 11th 2001; and

WHEREAS, The Washington National Guard continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment in support of many local, state, and federal law enforcement agencies. The dedication of these men and women last year

contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The Washington National Guard adds value to communities by opening armories for public use, assistance to food banks, and other community and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Select members and units of the Washington National Guard are now serving throughout the world in critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

HOUSE RESOLUTION NO. 4607 was adopted.

The Speaker assumed the chair.

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

## SECOND READING

**HOUSE BILL NO. 1053, by Representatives Miloscia, Armstrong, Haigh, Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell**

### **Enhancing government accountability.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1053 was substituted for House Bill No. 1053 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1053 was read the second time.

Representative Armstrong moved the adoption of the following amendment (001):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) Public confidence in government is essential. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;
- (2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;
- (3) An independent citizen oversight board is necessary to establish an annual assessment and performance grading program to ensure that government services, customer satisfaction, program efficiency, and management systems are world class in performance; and

(4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 3 through 6 of this act:

- (1) "Board" means the citizen oversight board created in section 3 of this act.
- (2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.
- (3) "Final performance audit report" means a written document jointly released by the citizen oversight board and the state auditor that includes the findings and comments from the preliminary performance audit report.
- (4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.
- (5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.
- (6) "Preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.
- (7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.09 RCW to read as follows:

- (1) The citizen oversight board is created to improve efficiency, effectiveness, and accountability in state government.
- (2) The board shall consist of seven members as follows:
  - (a) One member shall be the state auditor, who shall be a nonvoting member;
  - (b) One member shall be the chair of the joint legislative audit and review committee, who shall be a nonvoting member;
  - (c) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a person from each list provided by each caucus; and
  - (d) The governor shall select the fifth member.
- (3) The board shall elect a chair. Neither the chair of the joint legislative audit and review committee nor the state auditor may serve as chair.
- (4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.
- (5) Appointed members shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.
- (6) The joint legislative audit and review committee shall provide clerical, technical, and management personnel to the board to serve as the board's staff.
- (7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board.
- (8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** A new section is added to chapter 44.28 RCW to read as follows:

- (1) The citizen oversight board, created in section 2 of this act, shall establish an annual assessment and performance grading program. The program shall consist of conducting annual performance assessments and grading state agency performance. Assessments shall be implemented on a phased-in schedule. Initial areas to be assessed shall include quality management, productivity and fiscal efficiency, program effectiveness, contract management and oversight, internal audit, internal and external customer satisfaction, statutory and regulatory compliance, and technology systems and on-line services. As part of this program, the board shall:
  - (a) Consult with and seek input from elected officials, state employees, and professionals with a background in performance management for establishing the grading standards. In developing the criteria, the board shall consider already developed best practices and audit criteria used by government or nongovernment organizations. Before the assessment, the agencies shall be given the criteria for the assessment and the standards for grading; and

(b) Contract or partner with public or private entities that have expertise in public sector reviews and/or technical expertise in individual assessment areas to perform the assessments and grading of all state agencies. The board may contract or partner with more than one entity for different assessment areas.

(2) The board shall submit the results of the assessment and grading program to the governor, the office of financial management, appropriate legislative committees, and the public by December 15th of each year. The results of the annual assessments and performance grading shall be posted on the internet.

(3) The definitions in section 2 of this act apply to this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.09 RCW to read as follows:

(1) The board and the state auditor shall work together regarding performance audits of state government.

(2) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, time lines, program objectives, and mission and goals as required in RCW 43.88.090.

(3) Using the criteria developed in subsection (2) of this section, the board and the state auditor shall complete a statewide performance review within one year of contracting as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews.

(4) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, state managers, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a time line decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. All audits shall be designed to be completed within a six-month period.

(5) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing. The final work plan must be agreed upon by the board and the state auditor.

(6) The state auditor shall contract out for performance audits. In conducting the audits, agency front-line employees and internal auditors should be involved. The audits may include an evaluation of:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the state agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of state purchasing operations and management policies and practices; and

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(7) The state auditor and the board may develop a grading system for the audits. The audit report may include the agency grade, evaluation and identification of best practices, and findings and recommendations for efficiency and effectiveness of state programs. The board and the state auditor shall examine a system for grading the audits. The board shall report its findings to the legislature by December 31, 2003.

(8) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, the office of financial management, the board, and the joint legislative audit and review committee for comment. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final audit report shall include the



objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

(9) The final reports shall be submitted to the board by the state auditor. The board and the state auditor shall jointly release final reports to the citizens of Washington, the governor, and the appropriate legislative committees. Final performance audit reports shall be posted on the internet.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to conduct performance audits identified in section 5 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.131 RCW to read as follows:

The citizen oversight board created in section 3 of this act and its powers and duties shall be terminated June 30, 2010, as provided in section 8 of this act. The joint legislative audit and review committee shall contract with a private entity for the review in this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

- (1) Section 2 of this act;
- (2) Section 3 of this act;
- (3) Section 4 of this act;
- (4) Section 5 of this act; and
- (5) Section 6 of this act.

**NEW SECTION. Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Armstrong and Haigh spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Armstrong, Haigh, Anderson, Hunter, Shabro, Romero, Priest, Kristiansen and Kessler spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Upthegrove, Representative Darneille was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1053.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1053 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representative Darneille - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Santos thanked the body for their prayers and support during her recent bout with cancer. She emphasized the importance of regular exams in early detection.

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

### **INTRODUCTION & FIRST READING**

HB 1507 by Representatives Linville, Delvin, Cooper, O'Brien, Hunt, Cox, Roach and Holmquist

AN ACT Relating to calculating gain sharing; amending RCW 41.31.020, 41.31A.020, and 41.31A.020; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1508 by Representatives Anderson and Pflug

AN ACT Relating to limitations on excess school levies; amending RCW 84.52.0531; and creating a new section.

Referred to Committee on Education.

HB 1509 by Representatives Skinner, Veloria, Sehlin, Pettigrew, McDonald, Schual-Berke, McCoy, McDermott, Linville, Upthegrove and Conway

AN ACT Relating to establishing the Washington state economic development commission to replace the governor's small business improvement council; adding a new section to chapter 43.175 RCW; and repealing RCW 43.175.010, 43.175.020, and 43.175.901.

Referred to Committee on Trade & Economic Development.

HB 1510 by Representatives Haigh, Eickmeyer, Morris and Simpson

AN ACT Relating to fire protection district property tax levies; amending RCW 84.52.043; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1511 by Representatives Haigh, Armstrong, Wallace and Ruderman

AN ACT Relating to public hospital district public works contracting; amending RCW 39.10.020, 39.10.051, 39.10.061, and 39.10.902; and adding new sections to chapter 39.10 RCW.

Referred to Committee on State Government.

HB 1512 by Representatives Cox, Fromhold, Sump, Schoesler, Hatfield, Ahern, Clements and Armstrong

AN ACT Relating to controlling game damage to crops; amending RCW 77.36.020 and 77.12.150; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1513 by Representatives Darneille, Campbell, Schual-Berke, Sullivan, Berkey, McDermott and Santos

AN ACT Relating to selling or leasing contaminated property; amending RCW 64.44.010 and 64.44.050; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1514 by Representatives Darneille, Sullivan, Berkey and Kagi

AN ACT Relating to interest on legal financial obligations; amending RCW 10.82.090; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1515 by Representatives Cooper, Upthegrove, Rockefeller and Simpson

AN ACT Relating to hydraulic project approvals applications; amending RCW 77.12.170 and 43.135.055; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1516 by Representatives Cooper, Delvin, O'Brien, Lovick, Berkey, Hatfield, Simpson, Linville and Anderson

AN ACT Relating to park rangers employed by the state parks and recreation commission; and amending RCW 10.93.020, 10.93.140, 41.26.030, and 79A.05.160.

Referred to Committee on Criminal Justice & Corrections.

HB 1517 by Representatives Cooper, Simpson, Conway, Sullivan and Wallace

AN ACT Relating to the occupational safety and health of fire department employees; amending RCW 49.17.020; and adding new sections to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 1518 by Representatives Clibborn, Carrell, Kirby, McIntire, Dunshee, Schindler, Sommers, Miloscia, Cooper, Fromhold, Sehlin, Simpson and Santos

AN ACT Relating to voter-approved increases in excess of the property tax revenue limit; and amending RCW 84.55.050.

Referred to Committee on Finance.

HB 1519 by Representatives Wood, Fromhold, Simpson, Cooper, Schindler, Conway, Delvin, Hunt, Gombosky, Sullivan, Wallace, Santos and Kenney

AN ACT Relating to death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system; amending RCW 41.32.520,

41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.40.270, 41.40.700, and 41.40.835; and creating a new section.

Referred to Committee on Appropriations.

HB 1520 by Representatives Simpson, Hinkle and Dunshee

AN ACT Relating to adding correction and detention facilities to public works board project categories; and amending RCW 43.155.010, 43.155.020, 43.155.050, 43.155.068, and 43.155.070.

Referred to Committee on Capital Budget.

HB 1521 by Representatives Haigh, Armstrong, Hunt, Nixon, McDermott, Tom, Miloscia, Linville, Wallace, Kenney, Upthegrove, Conway, Wood, Rockefeller, Anderson and Kagi

AN ACT Relating to legislative hearings on initiatives and referendums; amending RCW 43.07.030, 42.17.130, and 42.52.180; adding new sections to chapter 43.07 RCW; and creating new sections.

Referred to Committee on State Government.

HB 1522 by Representative Murray; by request of Governor Locke

AN ACT Relating to the creation of the local transportation grant board; amending RCW 36.78.010, 36.78.070, 36.78.110, 36.79.010, 36.79.110, 43.99M.080, 46.68.120, 46.68.124, 47.06A.010, 47.26.044, 47.26.170, 47.26.185, 47.26.260, 47.26.270, 47.26.282, 47.26.320, 47.26.325, 47.26.426, 47.26.427, 47.26.440, 47.26.506, 47.26.507, and 82.44.150; reenacting and amending RCW 43.84.092 and 82.44.180; adding a new chapter to Title 47 RCW; creating new sections; repealing RCW 36.78.030, 36.78.090, 36.78.100, 36.79.030, 36.79.040, 36.79.050, 36.79.060, 36.79.070, 36.79.080, 47.26.121, 47.26.130, 47.26.140, 47.26.150, 47.26.160, 47.26.167, 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, and 47.06A.900; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1523 by Representatives O'Brien and Chandler

AN ACT Relating to electricians; and amending RCW 19.28.091.

Referred to Committee on Commerce & Labor.

HB 1524 by Representatives Schindler, Romero, Crouse, Mielke, Cox, O'Brien, Benson, Berkey, Ericksen, Jarrett, Ahern and Rockefeller

AN ACT Relating to restricting utility assessments and charges for certain mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Local Government.

HB 1525 by Representatives Linville, Holmquist, Cooper, Mastin, Hunt, Armstrong, Orcutt, Hinkle, Delvin, Sullivan, Schoesler, O'Brien, Chandler, Pearson and Buck

AN ACT Relating to environmental remediation; amending RCW 82.04.050, 82.04.190, and 82.04.2635; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1526 by Representatives Linville, Armstrong, Haigh, Morris, Cooper, Mastin, Gombosky, Delvin, Grant, Schoesler, Sullivan, Chandler and Schual-Berke

AN ACT Relating to cost-reimbursement agreements between state agencies and permit applicants; and amending RCW 43.21A.690, 43.30.420, 43.70.630, 43.300.080, 70.94.085, 90.03.265, and 43.42.070.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1527 by Representatives Clements and Chandler

AN ACT Relating to postretirement employment of retirees by school districts; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 1528 by Representatives Clements and Chandler

AN ACT Relating to unemployment benefits paid to retirees; adding a new section to chapter 50.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1529 by Representatives Clements and Chandler

AN ACT Relating to industrial insurance accidents; and amending RCW 51.28.010 and 51.28.050.

Referred to Committee on Commerce & Labor.

HB 1530 by Representatives Grant, Holmquist, Armstrong, Blake, Shabro, Talcott, Ruderman, Schual-Berke, Schoesler, Hinkle, Condotta, Newhouse, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander

AN ACT Relating to venue for declaratory judgments under the administrative procedure act; and amending RCW 34.05.570.

Referred to Committee on Judiciary.

HB 1531 by Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn, Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on State Government.

HB 1532 by Representatives Quall, Cox, Schual-Berke, Kenney, Pflug, McDermott, Simpson, Hunt, Rockefeller and Kagi

AN ACT Relating to prohibition of smoking in residence halls at public institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1533 by Representatives Schoesler, Linville, Chandler, Grant, Clements, Newhouse, Armstrong and Delvin

AN ACT Relating to public water projects; and adding a new section to chapter 43.155 RCW.

Referred to Committee on Capital Budget.

HB 1534 by Representatives Condotta, Schoesler, Chandler, Clements, Newhouse, Armstrong and Holmquist

AN ACT Relating to water pollution; and amending RCW 90.48.010, 90.48.020, and 90.48.037.

Referred to Committee on Agriculture & Natural Resources.

HB 1535 by Representatives Holmquist, Grant, Schoesler, Chandler, Clements, Newhouse, Armstrong, Delvin, Hinkle, Condotta and Skinner

AN ACT Relating to withdrawals for stock-watering; and amending RCW 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

HB 1536 by Representatives Holmquist, Grant, Schoesler, Chandler, Clements, Newhouse, Delvin, Armstrong, Cox, Hinkle and Skinner

AN ACT Relating to water rights; and amending RCW 90.03.380.

Referred to Committee on Agriculture & Natural Resources.

HB 1537 by Representatives Chandler, Grant, Delvin, Clements, Newhouse, Holmquist, Armstrong and Condotta

AN ACT Relating to water right relinquishment; amending RCW 43.21B.110, 90.14.010, 90.38.040, and 90.42.040; and repealing RCW 90.14.130, 90.14.140, 90.14.150, 90.14.160, 90.14.170, 90.14.180, 90.14.190, 90.14.200, 90.14.210, and 90.14.215.

Referred to Committee on Agriculture & Natural Resources.

HB 1538 by Representatives Schoesler, Holmquist, Benson, Clements, Woods, Delvin, Kristiansen, Chandler, Armstrong, Cox, Condotta, Skinner and Anderson

AN ACT Relating to water resources; amending RCW 90.03.380, 90.03.370, 90.14.130, 90.14.160, 90.14.170, 90.14.180, 90.03.015, 90.03.460, 90.44.050, 90.03.330, 90.44.100, 90.03.383, 90.54.020, 90.38.020, and 90.42.080; reenacting and amending RCW 90.14.140 and 43.84.092; adding a new section to chapter 90.14 RCW; adding new sections to chapter 90.03 RCW; adding new sections to chapter 43.155 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

HB 1539 by Representatives Armstrong, Schoesler, Chandler, Clements, Newhouse, Delvin, Condotta and Skinner

AN ACT Relating to the water-related actions of the department of ecology; amending RCW 34.05.514, 43.21B.110, 43.21B.130, 43.21B.240, 43.27A.190, 90.14.130, 90.14.190, and 90.14.200;

reenacting and amending RCW 43.21B.310; adding new sections to chapter 43.21B RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1540 by Representatives Kristiansen, Woods, Chandler, Clements, Newhouse, Holmquist, Schoesler, Delvin, Pearson, Armstrong, Cox, Condotta and Anderson

AN ACT Relating to public ground water; and amending RCW 90.44.100.

Referred to Committee on Agriculture & Natural Resources.

HB 1541 by Representatives Delvin, Chandler, Clements, Newhouse, Talcott and Skinner

AN ACT Relating to watershed planning; adding new sections to chapter 90.82 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1542 by Representatives Kristiansen, Woods, Benson, Clements, Newhouse, Chandler, Schoesler, Delvin, Pearson, Cox, Condotta and Anderson

AN ACT Relating to municipal water systems; and amending RCW 90.03.015 and 90.03.386.

Referred to Committee on Agriculture & Natural Resources.

HB 1543 by Representatives Holmquist, Chandler, Grant, Kristiansen, Sump, Schoesler, Delvin, Newhouse and Condotta

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1544 by Representatives Hudgins, Sullivan, Morris, Romero, Simpson, Ruderman, Upthegrove and Rockefeller

AN ACT Relating to an energy resource portfolio standard; reenacting and amending RCW 42.17.310; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1545 by Representatives Fromhold, Hinkle, Kagi, Kenney, Schual-Berke, Upthegrove, Chase, Cox, McDermott, Delvin, Cooper, Dickerson, Pettigrew, Hankins, Lantz, Quall, Conway, Rockefeller and Clements

AN ACT Relating to consolidation of early learning and child care programs and services in the state; adding a new chapter to Title 74 RCW; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1546 by Representatives Dunshee, Simpson, Schual-Berke and Conway

AN ACT Relating to service credit for military service by members of the public employees' retirement system, plan 2; and amending RCW 41.40.710.

Referred to Committee on Appropriations.

HB 1547 by Representatives Conway and Wood; by request of Department of Labor & Industries

AN ACT Relating to limiting lien authority against a residential homeowner; and amending RCW 60.04.031.

Referred to Committee on Commerce & Labor.

HB 1548 by Representatives McCoy, Hudgins, Conway, Simpson and Kenney; by request of Department of Labor & Industries

AN ACT Relating to authorizing the director of labor and industries to issue and enforce civil penalties for violations of the minimum wage act and chapter 49.48 RCW; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding new sections to chapter 49.48 RCW; adding new sections to chapter 49.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1549 by Representatives Santos, Ruderman, Simpson, Schual-Berke and Rockefeller

AN ACT Relating to senior citizen property taxes; amending RCW 84.36.381, 84.36.383, 84.38.030, and 84.64.050; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1550 by Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway

AN ACT Relating to ensuring that regulatory information and assistance is available to Washington citizens through an office of regulatory assistance; amending RCW 43.42.005, 43.42.010, 43.42.030, 43.42.040, 43.131.401, and 43.131.402; and declaring an emergency.

Referred to Committee on State Government.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 30, 2003, the 18<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTEENTH DAY, JANUARY 29, 2003

---



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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**EIGHTEENTH DAY**

---

House Chamber, Olympia, Thursday, January 30, 2003

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

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

**MESSAGE FROM THE SENATE**

January 29, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5001,  
SUBSTITUTE SENATE BILL NO. 5403,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4606, By Representatives Jarrett, Clibborn and Hunter

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the arts of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: Prepared speeches, impromptu speeches, and evaluations of speeches which provide feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over 8,500 member Toastmaster Clubs worldwide, made up of approximately 178,000 members with over 3,500 members in the state of Washington, and is growing by approximately 250 new members worldwide each day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Toastmasters International, and its member Toastmaster Clubs, for the contributions it has provided the citizens of this state; and

BE IT FURTHER RESOLVED, That the week of February 1 through February 7, 2003, be recognized as Toastmaster Week and all persons encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Karen Evons, DTM, Past District Governor, Toastmasters International, Washington State Toastmasters Club, District 2.

HOUSE RESOLUTION NO. 4606 was adopted.

### **INTRODUCTION & FIRST READING**

HB 1551 by Representatives Anderson, Pflug, Cairnes, Roach, Nixon and McMahan

AN ACT Relating to election of board members of a regional transit authority; and amending RCW 81.112.030 and 81.112.040.

Referred to Committee on Transportation.

HB 1552 by Representative Kirby

AN ACT Relating to use tax on electricity consumption; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1553 by Representatives Kirby, Flannigan, Dunshee, Ruderman, Armstrong, Anderson, Shabro, Rockefeller, Sullivan, Kenney, Schual-Berke, Simpson, Darneille, Dickerson, Moeller and Kagi

AN ACT Relating to telephonic political advertising; and amending RCW 42.17.510.

Referred to Committee on State Government.

HB 1554 by Representatives Pettigrew, Veloria, Darneille, O'Brien, Upthegrove, Miloscia, Cody, Hunt, Chase, Simpson, Haigh, McDermott, Flannigan, Kagi, Sullivan, Kenney, Schual-Berke, McCoy and Santos

AN ACT Relating to food stamp eligibility; amending RCW 74.08.025; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1555 by Representative McIntire

AN ACT Relating to real estate excise tax revenues related to construction of capital improvements to public schools; adding a new section to chapter 82.46 RCW; and creating new sections.

Referred to Committee on Education.

HB 1556 by Representatives Moeller, Orcutt, Boldt and Fromhold; by request of Administrative Office of the Courts

AN ACT Relating to district court judges; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

HB 1557 by Representatives McDermott, Ericksen, Simpson, Armstrong, Lovick, Campbell, Sullivan, Dickerson, Cody and Santos

AN ACT Relating to the collection of voter-approved taxes by a city transportation authority; amending RCW 35.95A.120; adding a new section to chapter 35.95A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1558 by Representatives Lovick, Delvin, Simpson, McDonald, Ericksen, Fromhold, Murray, Pearson, Wallace, Rockefeller, Sullivan, Holmquist, Dickerson, O'Brien, Flannigan, Romero, Hudgins, Cooper, Bush, Kenney and Condotta

AN ACT Relating to special law enforcement memorial license plates; amending RCW 46.16.313 and 46.16.316; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1559 by Representatives Hunt, Jarrett, Schual-Berke, Nixon, McDermott, Rockefeller, Kenney and Simpson

AN ACT Relating to technology in schools; and amending RCW 28A.150.260.

Referred to Committee on Education.

HB 1560 by Representatives Hunt, Wallace, Armstrong, Miloscia, Schual-Berke, Rockefeller, Upthegrove, Hudgins, Kenney, Cody and Moeller

AN ACT Relating to vote by mail due dates; and amending RCW 29.36.290, 29.36.310, 29.38.050, and 29.62.020.

Referred to Committee on State Government.

HB 1561 by Representatives Orcutt, Kagi, Pettigrew and Boldt; by request of Department of Social and Health Services

AN ACT Relating to the elimination of reports to the legislature required of the department of social and health services; amending RCW 43.20B.030, 74.13.036, and 74.14C.070; reenacting and amending RCW 26.44.030; and repealing RCW 74.09.310, 74.09.320, 13.40.430, and 72.23.450.

Referred to Committee on Children & Family Services.

HB 1562 by Representatives Lovick, Jarrett, Wallace, Ericksen, Dickerson, Flannigan, Murray, Edwards and Anderson

AN ACT Relating to driving record abstracts furnished to transit authorities; and reenacting and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 1563 by Representatives Lantz, Delvin, Dickerson, Carrell, Upthegrove, Talcott, Kessler, Kagi, McDermott, Lovick, Moeller, Morrell, Murray, Pettigrew, Berkey, Kenney and Santos

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 1564 by Representatives Alexander, Fromhold, Mielke, Kessler and Buck

AN ACT Relating to clarifying county treasurer fiscal provisions; amending RCW 39.46.050, 84.56.120, 84.56.340, 84.64.060, 84.69.050, and 84.69.070; and reenacting and amending RCW 84.64.080.

Referred to Committee on Local Government.

HB 1565 by Representatives Alexander and Hunt

AN ACT Relating to the maritime historic restoration and preservation activities of the Sandman Foundation; and amending RCW 88.02.052 and 88.02.053.

Referred to Committee on Transportation.

HB 1566 by Representative Alexander

AN ACT Relating to the retention of original claims by county auditors; and amending RCW 36.22.070.

Referred to Committee on Local Government.

HB 1567 by Representatives Alexander, Romero, Clements, DeBolt, Skinner, Hunt, Rockefeller, Eickmeyer, Woods, Haigh, Chandler, Newhouse and McMahan

AN ACT Relating to authorizing alternative public works contracting procedures for counties with a population greater than two hundred thousand; and amending RCW 39.10.020, 39.10.051, and 39.10.902.

Referred to Committee on State Government.

HB 1568 by Representatives Darneille, Pflug, Cody, Campbell, Schual-Berke, Alexander and Skinner

AN ACT Relating to physician assistants executing a certain certificate for labor and industries; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Health Care.

HB 1569 by Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott, Shabro and Benson

AN ACT Relating to the confidentiality of information supplied by a bidder on a public bid; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1570 by Representatives Kessler, Kenney, Holmquist, Hudgins and Santos

AN ACT Relating to the state poet laureate; adding a new section to chapter 43.46 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1571 by Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements

AN ACT Relating to enhancing necessary child support payments; amending RCW 72.09.111; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 1572 by Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta

AN ACT Relating to failure to pay small claims judgments; and amending RCW 12.40.105.

Referred to Committee on Judiciary.

HB 1573 by Representatives Kirby, Newhouse, Moeller, Campbell, Morrell, Fromhold and Hinkle

AN ACT Relating to ex parte temporary orders for protection; and amending RCW 26.50.070.

Referred to Committee on Judiciary.

HB 1574 by Representatives Conway, Cooper and Fromhold

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 1575 by Representatives Conway, DeBolt, Cooper, Fromhold, Crouse, Orcutt, Hudgins, Campbell, Berkey and Kenney

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1576 by Representatives Campbell, Kirby, Newhouse and Moeller

AN ACT Relating to dismissal of citations for failure to provide proof of insurance; and amending RCW 46.30.020.

Referred to Committee on Judiciary.

HB 1577 by Representatives Lovick, Delvin, Moeller, Blake and Simpson

AN ACT Relating to restricted drivers' licenses for alcohol violators; amending RCW 46.20.380 and 46.20.394; and reenacting and amending RCW 46.20.3101 and 46.20.391.

Referred to Committee on Judiciary.

SB 5001 by Senators Zarelli, McCaslin, Kastama, T. Sheldon, Carlson, Esser and Sheahan

AN ACT Relating to assault as a predicate for felony murder; amending RCW 9A.32.050; creating a new section; and declaring an emergency.

Held on First Reading.

SSB 5403 by Senate Committee on Ways & Means (originally sponsored by Senators Rossi and Fairley; by request of Governor Locke)

AN ACT Relating to fiscal matters; amending 2002 c 371 ss 112, 113, 114, 117, 118, 119, 122, 125, 127, 128, 129, 132, 133, 135, 137, 139, 143, 145, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 224, 302, 303, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 605, 606, 607, 608, 609, 610, 612, 616, 617, 619, 701, 703, 704, 712, 726, and 802 (uncodified); amending 2001 2nd sp.s. c 8 ss 131, 158, 658, and 668 (uncodified); amending 2001 2nd sp.s. c 7 ss 141, 310, and 506 (uncodified); amending 2002 c 238 ss 202, 109, and 223 (uncodified); adding new sections to 2001 2nd sp.s. c 7 (uncodified); repealing 2002 c 238 s 204 (uncodified); making appropriations; authorizing expenditures for capital expenditures; and declaring an emergency.

Referred to Committee on Appropriations.

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

### **REPORTS OF STANDING COMMITTEES**

January 28, 2003

HB 1037 Prime Sponsor, Representative Gombosky: Exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Roach.

Passed to Committee on Rules for second reading.

January 28, 2003

HB 1075 Prime Sponsor, Representative Blake: Clarifying 2001 statutory changes made to forest tax statutes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Roach.

Passed to Committee on Rules for second reading.

January 28, 2003

HB 1083 Prime Sponsor, Representative Simpson: Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

Passed to Committee on Rules for second reading.

January 28, 2003

HB 1084 Prime Sponsor, Representative Hunter: Regulating automobile insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

Passed to Committee on Rules for second reading.

January 28, 2003

HB 1101 Prime Sponsor, Representative Schoesler: Forwarding grain when an emergency storage situation exists. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 28, 2003

HB 1117 Prime Sponsor, Representative Linville: Moving a web site address from statute to rule. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Agriculture & Natural Resources was relieved of further consideration of HOUSE BILL NO. 1377, and the bill was referred to the Committee on Transportation.

There being no objection, the Committee on Local Government was relieved of further consideration of HOUSE BILL NO. 1473, and the bill was referred to the Committee on State Government.

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

There being no objection, the House adjourned until 10:00 a.m., January 31, 2003, the 19<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTEENTH DAY, JANUARY 30, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

## NINETEEN DAY

---

House Chamber, Olympia, Friday, January 31, 2003

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ben Wolfram and Lynessa Booth. Prayer was offered by Reverend Tony Irving, St. Benedict's Episcopal Church, Lacey.

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

### INTRODUCTION & FIRST READING

HB 1578 by Representatives Haigh, Cairnes, Gombosky, Benson, Fromhold, Rockefeller, Lantz, Anderson and Alexander; by request of Department of Health

AN ACT Relating to fees for certified copies of vital records; and amending RCW 70.58.107.

Referred to Committee on Appropriations.

HB 1579 by Representatives O'Brien, Delvin, Kagi, Mastin, Sullivan and Wood

AN ACT Relating to decriminalizing "fine only" criminal statutes; amending RCW 7.48.250, 66.20.340, and 88.02.110; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1580 by Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew

AN ACT Relating to personality rights; and amending RCW 63.60.020, 63.60.040, and 63.60.070.

Referred to Committee on Judiciary.

HB 1581 by Representatives Gombosky, Wood, Ahern and Sullivan

AN ACT Relating to parking and business improvement areas; and amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.040, and 35.87A.180.

Referred to Committee on Trade & Economic Development.

HB 1582 by Representatives Schual-Berke, Rockefeller and Sullivan; by request of Insurance Commissioner

AN ACT Relating to forming market assistance plans and joint underwriting associations; amending RCW 48.22.050; adding a new chapter to Title 48 RCW; and repealing RCW 48.88.010, 48.88.020, 48.88.030, 48.88.040, 48.88.050, and 48.88.070.

Referred to Committee on Financial Institutions & Insurance.

HB 1583 by Representatives Kirby and Campbell



AN ACT Relating to requirements for issuing salary warrants for judges; and amending RCW 2.56.040.

Referred to Committee on Judiciary.

HB 1584 by Representatives Lantz, Carrell, Flannigan and Campbell; by request of Administrative Office of the Courts

AN ACT Relating to the administrative office of the courts; amending RCW 2.14.110, 2.43.020, 2.43.030, 2.43.070, 2.56.010, 2.56.020, 2.56.030, 2.56.120, 2.56.150, 2.56.180, 2.68.020, 2.70.050, 3.46.030, 3.50.020, 3.66.010, 3.66.070, 9.73.230, 9.94A.660, 9.94A.855, 10.64.120, 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.64.080, 13.70.130, 26.12.177, 26.12.802, 26.12.804, 26.18.210, 26.18.220, 26.19.011, 26.19.035, 26.19.050, 26.26.065, 26.50.030, 26.50.035, 35.20.030, 36.01.050, 36.18.018, 43.70.540, 43.101.280, 46.20.286, 74.14C.100, and 82.14.310; amending 2000 c 111 s 8 (uncodified); amending 1983 c 199 s 2 (uncodified); reenacting and amending RCW 9.94A.660, 9.94A.850, 9.94A.850, and 43.08.250; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1585 by Representatives Simpson, Lovick, Cooper, Cairnes, Conway, Roach, O'Brien, Hinkle, Delvin, Rockefeller and Sullivan

AN ACT Relating to the Washington state patrol retirement system, plan 1; amending RCW 44.44.040, 41.45.050, 41.45.060, 41.45.020, and 44.44.060; reenacting and amending RCW 41.45.070; adding new sections to chapter 43.43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1586 by Representatives Schual-Berke, Roach, Priest, Upthegrove, Simpson, Shabro, Ruderman, Miloscia, Nixon and O'Brien

AN ACT Relating to siting secure community transition facilities; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1587 by Representatives Hudgins, Conway, Campbell, Hunt, Simpson, Cooper, Wood, McCoy and Kenney

AN ACT Relating to medical examinations under the industrial insurance system; amending RCW 51.32.110, 51.36.070, and 51.32.112; adding a new section to chapter 51.36 RCW; creating a new section; recodifying RCW 51.32.112; and repealing RCW 51.32.114.

Referred to Committee on Commerce & Labor.

HB 1588 by Representatives Kenney, Conway, Campbell, Wood and Simpson

AN ACT Relating to the duty of good faith and fair dealing to injured workers; amending RCW 51.48.080, 51.28.050, and 51.28.055; adding a new section to chapter 51.48 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1589 by Representatives Murray and Woods

AN ACT Relating to tow truck permit fees; amending RCW 46.44.0941; and repealing RCW 46.44.015.

Referred to Committee on Transportation.

HB 1590 by Representatives Murray and Woods

AN ACT Relating to paying for tow truck services required by an automobile accident; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1591 by Representatives Gombosky, Cairnes and McIntire; by request of Department of Revenue

AN ACT Relating to modifying excise tax interest provisions; amending RCW 82.32.050 and 82.32.060; and providing an effective date.

Referred to Committee on Finance.

HB 1592 by Representatives Simpson and Ericksen

AN ACT Relating to special license plates; amending RCW 46.16.233 and 46.16.314; adding new sections to chapter 46.16 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1593 by Representatives Berkey, Mielke, Dunshee, Haigh, Benson, Romero, Ahern, Moeller, Wood, Hinkle and Sullivan

AN ACT Relating to delivery of endorsements by recording officers; and amending RCW 65.04.090.

Referred to Committee on Local Government.

HB 1594 by Representatives Berkey, Haigh, Dunshee, Romero, Mielke, Benson, Ahern, Moeller, Wood, Alexander, Hinkle and Sullivan

AN ACT Relating to chief financial officers in charter counties; amending RCW 36.22.140 and 36.40.030; and reenacting and amending RCW 36.40.040.

Referred to Committee on Local Government.

HB 1595 by Representatives Benson and Boldt

AN ACT Relating to providing health benefits for certificated instructional staff; and amending RCW 28A.400.200 and 28A.400.410.

Referred to Committee on Education.

HB 1596 by Representatives Dunshee, Romero, Haigh, Benson, Wood, Moeller and Sullivan

AN ACT Relating to the surcharge for preservation of historical documents; and amending RCW 36.22.170.

Referred to Committee on Local Government.

HB 1597 by Representatives Mielke, Armstrong, Boldt, Orcutt, Wood, Woods, Kristiansen, Campbell, Hatfield, Sump and Schoesler

AN ACT Relating to physical examinations for commercial drivers' licenses; amending RCW 46.25.070; adding new sections to chapter 46.25 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1598 by Representatives Schual-Berke, McMahan, Lantz, Moeller, Ruderman, Cody, Pflug, Morrell, McDermott, Quall, Kenney, Rockefeller, Wood, Anderson, Kagi, Hunt, Campbell and Miloscia

AN ACT Relating to tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Health Care.

HB 1599 by Representatives Conway, Cairnes, Cooper, Delvin, Haigh, Linville, Schoesler, Hunt, Sullivan and Kenney

AN ACT Relating to allowing public safety workers to retire early in the public employees' retirement system, plan 2; amending RCW 41.40.630; and creating a new section.

Referred to Committee on Appropriations.

HB 1600 by Representatives Linville, Cairnes, O'Brien, Delvin, Simpson, Sullivan and Campbell

AN ACT Relating to liquor control board law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service; amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1601 by Representatives Anderson, Sullivan, Campbell, McMahan and Talcott

AN ACT Relating to law enforcement vehicles in high occupancy vehicle lanes; and amending RCW 81.100.020, 46.61.165, and 47.52.025.

Referred to Committee on Transportation.

HB 1602 by Representatives Morrell, Campbell, Edwards and Simpson

AN ACT Relating to the Washington state patient safety act; adding new sections to chapter 70.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 1603 by Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, Simpson, O'Brien and Delvin

AN ACT Relating to hearings for antiharassment protection orders; and amending RCW 10.14.070.

Referred to Committee on Judiciary.

HB 1604 by Representatives Cody, Edwards, Conway, Schual-Berke, Morrell, Moeller, Clibborn, Simpson, Wood and Campbell

AN ACT Relating to increasing the number of health care facilities that are prohibited from requiring employees to perform overtime work; amending RCW 49.28.130 and 72.01.042; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1605 by Representatives Ruderman, Anderson, Sullivan and Miloscia

AN ACT Relating to a statewide justice information network; amending RCW 10.98.160; and adding new sections to chapter 10.98 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5001 by Senators Zarelli, McCaslin, Kastama, T. Sheldon, Carlson, Esser and Sheahan

AN ACT Relating to assault as a predicate for felony murder; amending RCW 9A.32.050; creating a new section; and declaring an emergency.

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

There being no objection, the rules were suspended, and SENATE BILL NO. 5001 was placed on the Second Reading.

## REPORTS OF STANDING COMMITTEES

January 29, 2003

HB 1120 Prime Sponsor, Representative Romero: Creating a citizen oversight panel to measure performance of the state's transportation system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Simpson, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hatfield; Hudgins; Lovick; Morris; Rockefeller; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Hankins; Kristiansen; Mielke; Nixon; Schindler; Shabro and Woods.

January 29, 2003

HB 1121 Prime Sponsor, Representative Wallace: Implementing performance audits of transportation-related agencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Simpson, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rockefeller; Romero; Schindler; Shabro; Sullivan; Wallace; Wood and Woods.

January 29, 2003

HB 1122 Prime Sponsor, Representative Morris: Streamlining transportation governance. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Simpson, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Rockefeller; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Mielke; Nixon; Schindler and Woods.

January 29, 2003

HB 1214 Prime Sponsor, Representative Cody: Making prescription drugs more available. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill proposed by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald and Pflug.

There being no objection, HOUSE BILL NO. 1120, HOUSE BILL NO. 1121, HOUSE BILL NO. 1122 and HOUSE BILL NO. 1214 were placed on the Second Reading calendar.

There being no objection, the rules were suspended, the rules committee was relieved of HOUSE JOINT MEMORIAL NO. 4003, and the joint memorial was placed on the Second Reading.

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

There being no objection, the House adjourned until 10:00 a.m., February 3, 2003, the 22<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETEENTH DAY, JANUARY 31, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**TWENTY SECOND DAY**

---

House Chamber, Olympia, Monday, February 3, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Crystal Lundahl and Caleb Patterson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Toby Nixon.

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

## RESOLUTION

HOUSE RESOLUTION NO.2003-4609, by Representatives Chopp, McMorris, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods

WHEREAS, It is the policy of the Washington State House of Representatives to recognize personal acts of heroism and sacrifice made by and for people of this state; and

WHEREAS, The men and women of America's space program routinely and courageously put themselves in harm's way to help America and the world learn more about ourselves, our planet, our solar system, and our universe; and

WHEREAS, On Saturday, February 1, 2003, the Space Shuttle Columbia and its seven-member crew were lost in a tragic accident only minutes before the shuttle was scheduled to land at the conclusion of a 16-day research mission designated as STS-107; and

WHEREAS, Among those who gave their life on the Space Shuttle Columbia was Shuttle Payload Commander Lt. Col. (USAF) Michael P. Anderson, a graduate of Cheney High School and the University of Washington, and a resident of Spokane; and

WHEREAS, The pilot of STS-107, Cdr. (USN) William McCool, was formerly assigned to Tactical Electronic Warfare Squadron 129 at the United States Naval Air Station on Whidbey Island; and

WHEREAS, Lt. Col. Anderson, Cdr. McCool, and their five crewmates risked and lost their lives during a mission dedicated, in large part, to cancer research; and

WHEREAS, The character, academic, and career accomplishments, physical stamina and commitment to teamwork and duty that typify the crew of STS-107 represent some of the best human qualities; and

WHEREAS, The United States of America and much of the world mourn the loss of these seven men and women; and

WHEREAS, The crew of Space Shuttle Columbia/STS-107, their families, their friends, colleagues, and countrymen all deserve our heartfelt gratitude and sympathy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the crew of Space Shuttle Columbia/STS-107: Our friend and neighbor Payload Commander Michael P. Anderson, Pilot William McCool, Mission Commander Rick Husband, Mission Specialists David Brown, Laurel Clark, and Kalpana Chawla, and Payload Specialist Ilan Ramon - six Americans and one Israeli who gave their lives in this 42nd year of manned space flight, and exactly one century after humankind first began its race to the stars; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to the family of Lt. Col. Michael P. Anderson of Spokane, to the families of Lt. Col. Anderson's crewmates on the final flight of Space Shuttle Columbia, and to Sean O'Keefe, administrator of the National Aeronautics and Space Administration.

Representative Wood moved the adoption of the resolution.

Representatives Wood, Benson, Pettigrew and Bailey spoke in favor of the adoption of the resolution.

HOUSE FLOOR RESOLUTION NO. 4609 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) expressed his condolences to the families and friends of the Columbia.

The Speaker assumed the chair.

### **INTRODUCTION & FIRST READING**

HB 1606 By Representative Conway; by request of Department of Labor & Industries

AN ACT Relating to calculating the amount of total disability and death benefits under Title 51 RCW; amending RCW 51.08.178, 51.28.040, 51.32.050, and 51.32.060; and reenacting and amending RCW 51.32.090.

Referred to Committee on Commerce & Labor.

HB 1607 By Representatives Conway, Carrell, Kirby, Talcott and Darneille

AN ACT Relating to the provision of law enforcement services by a city or town to state hospitals; and amending RCW 72.72.020 and 72.72.030.

Referred to Committee on Local Government.

HB 1608 By Representatives Upthegrove, Schindler, Berkey, Mielke, Tom, Ericksen, Romero, Jarrett, Edwards, Linville and Anderson

AN ACT Relating to accommodating housing and employment growth for local jurisdictions planning under RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1609 By Representatives O'Brien and Buck; by request of Sentencing Guidelines Commission

AN ACT Relating to pilot regional correctional facilities; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 1610 By Representatives Orcutt and Pearson

AN ACT Relating to the state wildlife fund; and amending RCW 77.12.170.

Referred to Committee on Appropriations.

HB 1611 By Representatives Conway, Wood and Kenney

AN ACT Relating to requiring payment of industrial insurance benefits during reconsideration or appeal; amending RCW 51.52.050; reenacting and amending RCW 51.52.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1612 By Representatives Hinkle, Dickerson, Delvin, Carrell, Pettigrew, Upthegrove, Eickmeyer, Edwards and Kessler

AN ACT Relating to notification to parents of the mental health treatment options for minors available under chapter 71.34 RCW; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1613 By Representatives Jarrett, Cox, Kenney, Clibborn, Rockefeller, Clements, Anderson, Moeller, Edwards, Linville and Sullivan

AN ACT Relating to providing a financial incentive to school districts for high school students who complete postsecondary credits; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1614 By Representative Dunshee

AN ACT Relating to persons riding with the holder of an intermediate driver's license; and amending RCW 46.20.075.

Referred to Committee on Transportation.

HB 1615 By Representatives Dunshee, Pearson, Lovick, Kristiansen, Berkey, Sullivan and Wood

AN ACT Relating to vehicle sound system equipment; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 1616 By Representatives Dunshee and Schual-Berke

AN ACT Relating to holders of intermediate drivers' licenses carrying nonfamily members; and amending RCW 46.20.075.

Referred to Committee on Transportation.

HB 1617 By Representatives Clibborn, Flannigan, Jarrett, Upthegrove, Cairnes, Tom, Moeller, Rockefeller and Anderson

AN ACT Relating to interlocal agreements for court services among municipalities; and amending RCW 3.50.020 and 3.50.805.

Referred to Committee on Judiciary.

HB 1618 By Representatives Kagi, Cooper, O'Brien and Rockefeller

AN ACT Relating to reducing neighborhood wood smoke pollution; amending RCW 70.94.470, 70.94.473, and 70.94.483; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1619 By Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia, Berkey, Dunshee,



Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller

AN ACT Relating to driving while under the influence with children in the vehicle; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1620 By Representatives Kenney, Cox, McDermott, O'Brien, Jarrett, Berkey, Fromhold, Chase, McIntire, Lantz, Upthegrove, Morrell, McCoy, Priest, Boldt, Clements, Buck, Kagi, Edwards, Kessler, Linville, Santos, Conway and Rockefeller

AN ACT Relating to faculty salary increments for community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1621 By Representatives Morrell, Pflug, Skinner, Cody, Clibborn and Schual-Berke; by request of Department of Social and Health Services

AN ACT Relating to modification of the mandatory nurse review of medicaid personal care plans; and amending RCW 74.09.520.

Referred to Committee on Health Care.

HB 1622 By Representatives Morrell, Pflug, Cody, Skinner and Clibborn; by request of Department of Social and Health Services

AN ACT Relating to research in the jurisdiction of a state agency; and amending RCW 42.48.010, 42.48.020, and 42.48.040.

Referred to Committee on State Government.

HB 1623 By Representatives Kagi, Boldt, Skinner, Edwards, Linville and Rockefeller; by request of Department of Social and Health Services

AN ACT Relating to the prioritization of services to persons with developmental disabilities by the department of social and health services to promote the independence of the individual and other natural and community-based supports; amending RCW 71A.10.020, 71A.10.030, 71A.10.050, 71A.12.020, 71A.12.050, 71A.12.090, 71A.18.010, 71A.18.020, 71A.18.030, 71A.18.050, 35.82.285, 71A.20.010, and 84.36.042; adding new sections to chapter 71A.10 RCW; adding new sections to chapter 71A.18 RCW; repealing RCW 71A.10.010, 71A.10.011, 71A.10.800, 71A.10.805, 71A.10.900, 71A.10.901, 71A.10.902, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and 71A.16.010; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1624 By Representatives Hudgins, Pettigrew, Crouse, Morris, Nixon, Linville and Sullivan; by request of Department of Social and Health Services

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; repealing 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, and 1987 c 229 s 12 (uncodified); and repealing 2002 c 104 s 4 (uncodified).

Referred to Committee on Technology, Telecommunications & Energy.

HB 1625 By Representatives Linville and Schoesler; by request of Department of Agriculture

AN ACT Relating to levying an assessment on certain agricultural plants; and amending RCW 15.13.310.

Referred to Committee on Agriculture & Natural Resources.

HB 1626 By Representatives Conway, Campbell, Berkey, Cooper, Hudgins, Lovick, Miloscia, Romero, Chase, Moeller, Santos and Kenney

AN ACT Relating to enhancing industrial insurance vocational rehabilitation benefits; and amending RCW 51.32.095.

Referred to Committee on Commerce & Labor.

HB 1627 By Representatives Wood, Conway, Campbell, Berkey, Hudgins, Lovick, Wallace, Cooper, Chase, Romero, Moeller, Santos and Kenney

AN ACT Relating to adopting standards under industrial insurance for rating pain-related impairments; and amending RCW 51.32.080.

Referred to Committee on Commerce & Labor.

HB 1628 By Representatives McCoy, Conway, Campbell, Wood, Berkey, Hudgins, Lovick, Cooper, Chase, Romero, Dickerson, Moeller, Schual-Berke, Santos, Kenney and Rockefeller

AN ACT Relating to securing benefits for hearing loss; and amending RCW 51.32.180 and 51.36.020.

Referred to Committee on Commerce & Labor.

HB 1629 By Representatives O'Brien, Kagi, Schindler, Kirby, Dunshee, Benson, Hunt, Chase, Morrell, Edwards, Simpson, Rockefeller and Miloscia

AN ACT Relating to creating the manufactured home purchase assistance program; and adding new sections to chapter 43.31 RCW.

Referred to Committee on Trade & Economic Development.

HB 1630 By Representatives O'Brien, Woods, Chase, Armstrong, Kirby, Jarrett, Hatfield, Skinner, Haigh, Delvin, Morris, Murray, Quall, Lovick, Santos, Edwards, Simpson, Linville, Kenney, Rockefeller and Miloscia

AN ACT Relating to the disposition of surplus facilities for persons with developmental disabilities; adding a new section to chapter 71A.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

HB 1631 By Representatives McCoy, Cooper, Conway, Romero, Lovick, Simpson and Kenney

AN ACT Relating to regulating fire protection sprinkler system contractors; amending RCW 18.160.030; adding a new section to chapter 18.160 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1632 By Representatives McIntire, Gombosky and Miloscia; by request of Department of Revenue

AN ACT Relating to improving the collection of retail sales taxes at special events by requiring promoters to verify tax registration of vendors; amending RCW 82.32.020; adding a new section to chapter 82.32 RCW; and prescribing penalties.

Referred to Committee on Finance.

HB 1633 By Representatives McIntire, Gombosky and Conway; by request of Department of Revenue

AN ACT Relating to changing the definition of successor for state excise tax purposes; and amending RCW 82.04.180 and 82.32.140.

Referred to Committee on Finance.

HB 1634 By Representatives Conway, Chandler, Kenney, Berkey, Wood, Holmquist, Crouse, Tom, Edwards and Rockefeller

AN ACT Relating to the residential property seller disclosure statement; and amending RCW 64.06.020.

Referred to Committee on Commerce & Labor.

HB 1635 By Representatives Pettigrew, Boldt, Kagi, Edwards and Kenney; by request of Department of Social and Health Services

AN ACT Relating to income and resources reporting requirements under the public assistance program; and amending RCW 74.04.300.

Referred to Committee on Children & Family Services.

HB 1636 By Representatives Wood, Conway, Kenney, Hudgins, McCoy, Moeller, Edwards, Linville, Santos and Rockefeller

AN ACT Relating to the treatment of pathological gambling; and amending RCW 67.70.340.

Referred to Committee on Commerce & Labor.

HB 1637 By Representatives Wood, Conway, Kenney, Hudgins, McCoy, Moeller, Linville, Santos, Upthegrove and Rockefeller

AN ACT Relating to information for compulsive gamblers; and amending RCW 9.46.071.

Referred to Committee on Commerce & Labor.

HB 1638 By Representatives Schual-Berke, Darneille, Conway, Hankins, McIntire, Pflug, Kenney, Kessler, Moeller, Edwards, Simpson, Morrell, Skinner, Upthegrove, Rockefeller and Wood

AN ACT Relating to hepatitis C; amending RCW 49.60.172 and 49.60.174; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1639 By Representatives Upthegrove, Priest, Schual-Berke, McDermott, Miloscia, Santos and Anderson

AN ACT Relating to port district planning; amending RCW 36.70A.030, 36.70A.150, and 36.70A.210; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1640 By Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins

AN ACT Relating to authorizing water banking within the trust water program; amending RCW 90.42.005; adding new sections to chapter 90.42 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1641 By Representatives Anderson, Jarrett, Sullivan, Pflug and Miloscia

AN ACT Relating to the Distinguished Flying Cross license plate; amending RCW 46.16.290 and 46.16.313; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1642 By Representatives Morrell, Pflug, Cody, Benson, Schual-Berke, Alexander, Clibborn, Edwards, Moeller and Kenney

AN ACT Relating to peer review committees and coordinated quality improvement programs; and amending RCW 4.24.250, 43.70.510, and 70.41.200.

Referred to Committee on Judiciary.

HB 1643 By Representatives Pflug, Mastin, Carrell, Alexander, Ericksen and Anderson

AN ACT Relating to actions against health care providers; amending RCW 4.56.250, 7.70.070, 4.16.350, 7.70.080, 4.22.070, 7.70.030, and 7.70.060; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding a new section to chapter 7.70 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1644 By Representatives Pflug, Dunshee, Nixon, Anderson, Boldt and Pearson

AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505, 9A.83.030, and 69.50.520; and creating new sections.

Referred to Committee on Judiciary.

HB 1645 By Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

AN ACT Relating to protection of victims of domestic violence, sexual assault, or stalking in the rental of housing; adding new sections to chapter 59.18 RCW; creating a new section; repealing RCW 59.18.356; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1646 By Representatives Bush, Kirby, McDonald, Rockefeller, Roach, McMahan, Shabro, Carrell and Schindler

AN ACT Relating to the fluoridation of public water systems; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1647 By Representatives Conway, Chandler, Sommers, Lantz and Kenney; by request of University of Washington

AN ACT Relating to the prohibition of sales of alcohol on university grounds; and repealing RCW 66.44.190.

Referred to Committee on Commerce & Labor.

HB 1648 By Representatives McMahan, Mielke, Condotta and Carrell

AN ACT Relating to the collection of child support; amending RCW 26.18.070, 26.18.080, 26.18.100, 26.18.140, 26.23.050, and 26.23.100; and reenacting and amending RCW 26.23.060.

Referred to Committee on Juvenile Justice & Family Law.

HB 1649 By Representatives McMahan and Mielke

AN ACT Relating to requiring public agencies to submit to mediation and arbitration; amending RCW 43.17.330; and creating a new section.

Referred to Committee on State Government.

HB 1650 By Representatives McMahan and Mielke

AN ACT Relating to the election of library board members; amending RCW 27.12.010, 27.12.050, 27.12.120, 27.12.130, 27.12.140, 27.12.150, 27.12.160, 27.12.170, 27.12.180, 27.12.190, 27.12.210, 27.12.215, 27.12.220, 27.12.240, 27.12.260, 27.12.270, 27.12.280, 27.12.285, 27.12.290, 27.12.300, 27.12.305, 27.12.320, 27.12.355, 27.12.360, 27.12.395, 27.12.420, 27.12.430, 27.12.440, and 27.12.470; adding a new section to chapter 27.12 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1651 By Representatives McMahan, Mielke, Boldt and Schindler

AN ACT Relating to state mandates on political subdivisions of the state; and adding a new section to chapter 43.135 RCW.

Referred to Committee on State Government.

HB 1652 By Representatives McMahan, Carrell, Mielke, Wallace, Boldt, Sump, Orcutt, Benson, Kristiansen, Schindler, Schoesler, Condotta and Anderson

AN ACT Relating to censorship by school districts; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 1653 By Representatives McMahan, Sump, Benson, Mielke, Boldt and Schindler

AN ACT Relating to education; amending RCW 41.59.935 and 28A.655.180; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.640 RCW; and creating new sections.

Referred to Committee on Education.

HJR 4207 By Representatives Pflug, Mastin, Carrell and Ericksen

Allowing the legislature to limit noneconomic damages.

Referred to Committee on Judiciary.

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

### **REPORTS OF STANDING COMMITTEES**

January 30, 2003

HB 1009 Prime Sponsor, Representative Dickerson: Prohibiting sale of violent computer and video games to minors. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer and Hinkle.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2003

HB 1028 Prime Sponsor, Representative Dickerson: Studying programs for at-risk youth intervention. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2003

HB 1234 Prime Sponsor, Representative Pettigrew: Establishing an industry cluster-based approach to economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

January 31, 2003

HB 1246 Prime Sponsor, Representative Linville: Authorizing the department of natural resources to accept gifts of aquatic land. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1247 Prime Sponsor, Representative Eickmeyer: Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 30, 2003

HB 1280 Prime Sponsor, Representative Murray: Changing provisions for financing contracts for state university research facilities or equipment. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Hankins; Hinkle; Kirby; Lantz; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

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

## SECOND READING

**HOUSE BILL NO. 1121, By Representatives Wallace, Clibborn, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Campbell, Upthegrove and Ruderman**

### **Implementing performance audits of transportation-related agencies.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1121 was substituted for House Bill No. 1121 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1121 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace, Rockefeller, Ericksen, Jarrett, Murray and Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1121.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1121 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

SUBSTITUTE HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Wallace on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 1120, By Representatives Romero, Wallace, Murray, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman**

**Creating a citizen oversight panel to measure performance of the state's transportation system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Clibborn, Murray and Morris spoke in favor of passage of the bill.

Representatives Ericksen, Hankins and Buck spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1120.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1120 and the bill passed the House by the following vote: Yeas - 53, Nays - 45, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick,



McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1122, By Representatives Morris, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman**

**Streamlining transportation governance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1122 was substituted for House Bill No. 1122 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1122 was read the second time.

Representative Murray moved the adoption of striking amendment (003):

Strike everything after the enacting clause and insert the following:

**"PART I  
PHASING OUT THE TRANSPORTATION COMMISSION AND GUBERNATORIAL  
APPOINTMENT OF THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION**

NEW SECTION. **Sec. 1.** The legislature recognizes the need to streamline governance of the transportation system in order to increase efficiency and accountability to the people it serves. The legislature intends to create a single point of accountability for the performance of the state's transportation system by making the management of the department of transportation directly accountable to the governor. The legislature also desires to further streamline governance structures. A review and analysis of the current duties and responsibilities of the transportation commission must be conducted to determine where these functions are best carried out.

NEW SECTION. **Sec. 2.** The legislative transportation committee shall conduct a review and analysis of the statutory duties, roles, and functions of the transportation commission. The committee shall determine which responsibilities are administrative or ministerial in nature and should be transferred to the executive, and which responsibilities are policy setting in nature and should be transferred to the legislature. The review and analysis must include at least the following authorities: (1) To establish toll facilities; (2) to set tolls and fares; (3) to request bond issuances by the state treasurer; (4) to adopt the twenty-year state transportation policy plan; (5) to conduct public involvement processes; (6) to develop and monitor attainment of benchmarks directed in RCW 47.01.012; (7) to review and approve six-year transit plans and proposed public transportation benefit area plans; (8) to set operational policies for state highways, including access issues and hours of operation for high-occupancy vehicles. By December 15, 2003, the legislative transportation committee shall make recommendations to the house and senate transportation committees for streamlining, consolidating, or eliminating the duties, roles, and functions of the transportation commission. The legislative transportation committee shall consult with affected agencies and other stakeholders in conducting its analysis. The committee may consult with and retain private professional and technical experts as necessary to ensure an independent review and analysis.

**Sec. 3.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission))~~ governor and confirmed by the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. ~~((The secretary shall be an ex-officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it.))~~ The secretary shall serve ~~((until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final))~~ at the pleasure of the governor.

**Sec. 4.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

## PART II TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE LEGISLATIVE TRANSPORTATION COMMITTEE

**Sec. 5.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, and each regional transit authority shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality and regional transit authority shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality and regional transit authority shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality and the regional transit authority shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the ~~((state))~~ legislative transportation ~~((commission))~~ committee and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

**Sec. 6.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the ~~((state))~~ legislative transportation ~~((commission))~~ committee to determine:

- (1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;
- (2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;
- (3) Whether such plan coordinates that area's system and service with nearby public transportation systems;
- (4) Whether such plan is eligible for matching state or federal funds;

After reviewing the comprehensive transit plan, the ~~((state))~~ legislative transportation ~~((commission shall have))~~ committee has sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation

coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the ((state)) legislative transportation ((commission)) committee shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval.

**Sec. 7.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ((state)) legislative transportation ((commission)) committee. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

**Sec. 8.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional transportation investment district.
- (2) "Department" means the Washington state department of transportation.
- (3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the legislative transportation ((commission)) committee, its successor entity, or the legislature.
- (4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.
- (5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.
- (6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.
- (7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.
- (8) "Transportation project" means:
  - (a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:
    - (i) Adds a lane or new lanes to an existing state or federal highway; or
    - (ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.
  - (b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:
    - (i) Approaches to highways of statewide significance;
    - (ii) High-occupancy vehicle lanes;
    - (iii) Flyover ramps;
    - (iv) Park and ride lots;
    - (v) Bus pullouts;
    - (vi) Vans for vanpools;
    - (vii) Buses; and
    - (viii) Signalization, ramp metering, and other transportation system management improvements.
  - (c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:
    - (i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;
    - (ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;
    - (iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;
    - (iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;
    - (v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

**Sec. 9.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) Transportation improvements on state highways that have been approved by the community economic revitalization board must be approved by the legislative transportation ~~((commission))~~ committee in accordance with the procedures established by RCW 43.160.074 and 47.01.280 to receive funding.

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(5) The legislature finds that sharing economic growth statewide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 10.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the legislative transportation ((~~commission~~)) committee.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the legislative transportation ((~~commission~~)) committee as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the legislative transportation ((~~commission~~)) committee as specified in RCW 47.01.280.

(4) The board shall notify the legislative transportation ((~~commission~~)) committee of its decision regarding any application made under this section.

**Sec. 11.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the legislative transportation ((~~commission~~)) committee as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

**Sec. 12.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the legislative transportation ((~~commission~~)) committee as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial

of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

**Sec. 13.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

It is the intent of the legislature to establish policy goals for the operation, performance of, and investment in, the state's transportation system. The policy goals shall consist of, but not be limited to, the following benchmark categories, adopted by the state's Blue Ribbon Commission on Transportation on November 30, 2000. In addition to improving safety, public investments in transportation shall support achievement of these and other priority goals:

No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.

These policy goals shall be the basis for establishment of detailed and measurable performance benchmarks.

It is the intent of the legislature that the legislative transportation ((~~commission~~)) committee establish performance measures to ensure transportation system performance at local, regional, and state government levels, and the legislative transportation ((~~commission~~)) committee should work with appropriate government entities to accomplish this.

If House Bill No. 1120 or a similar bill creating citizen oversight of the transportation performance benchmarks becomes law, the legislative transportation committee shall work in conjunction with the citizen oversight panel to monitor the attainment of transportation performance benchmarks.

**Sec. 14.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read as follows:

The legislative transportation ((~~commission shall have~~)) committee has the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the ((~~commission~~)) committee shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to ((~~the legislative transportation committee and~~)) the senate and house transportation committees ((~~by January 1, 1978,~~)) for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the ((~~commission~~)) committee a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the legislature

and applicable state and federal laws. After public notice and hearings, the ~~((commission))~~ committee shall adopt the plan and submit it to ~~((the legislative transportation committee and to))~~ the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session. The plan shall be reviewed and revised prior to each regular session of the legislature during an even-numbered year thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the ~~((commission as required by RCW 47.01.061))~~ committee;

~~(5) ((To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;~~

~~(6) To review and authorize all departmental requests for legislation;~~

~~(7) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(8) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~(9))~~ To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

~~((10))~~ (6) To exercise such other specific powers and duties as may be vested in the ~~((transportation commission))~~ committee by this or any other provision of law.

**Sec. 15.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to read as follows:

The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the legislative transportation ~~((commission))~~ committee so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the legislative transportation ~~((commission))~~ committee and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities.

**Sec. 16.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the legislative transportation ~~((commission))~~ committee shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ committee shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ committee disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

(4) The ~~((transportation commission))~~ department shall notify the ~~((legislative))~~ house and senate standing committees on transportation ~~((committee))~~ of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.

**Sec. 17.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to read as follows:

(1) The ~~((transportation commission is hereby directed to))~~ department shall conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, ~~((to))~~ subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the ~~((transportation commission))~~ department shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission or the))~~ legislature shall designate state highways of statewide significance under RCW 47.06.140. ~~((If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature.))~~ This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The legislative transportation ~~((commission))~~ committee shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The ~~((commission))~~ committee, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

**Sec. 18.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read as follows:

The legislative transportation ~~((commission))~~ committee shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the legislative transportation ~~((commission, in consultation with the Washington state department of transportation,))~~ committee shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program must be revised biennially, effective on July 1st of odd-numbered years. The investment program must be based upon the needs identified in the state-owned highway component of the statewide transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

(a) Life-cycle cost analysis;

(b) Traffic volume;



- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The six-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The legislative transportation ((~~commission~~)) committee shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The legislative transportation ((~~commission~~)) committee shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

**Sec. 19.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read as follows:

(1) The department ((~~and the commission~~)) shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department ((~~and the commission~~)) can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief. The department must forward the results of its analysis to the legislative transportation committee for approval.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the legislative transportation ((~~commission~~)) committee shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the ((~~commission~~)) committee shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The ((~~commission~~)) legislative transportation committee shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

- (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;
- (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;
- (c) The continuity of future transportation development with those improvements previously programmed; and
- (d) The availability of dedicated funds for a specific type of work.

**Sec. 20.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- (A) Life-cycle cost analysis;
- (B) Traffic volume;
- (C) Subgrade soil conditions;

- (D) Environmental and weather conditions;
- (E) Materials available; and
- (F) Construction factors;

(ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(iii) Minimizing life cycle costs. The legislative transportation ((~~commission~~)) committee in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(b) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

- (i) Traffic congestion, delay, and accidents;
- (ii) Location within a heavily traveled transportation corridor;

(iii) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

- (iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

- (i) Support for the state's economy, including job creation and job preservation;
- (ii) The cost-effective movement of people and goods;
- (iii) Accident and accident risk reduction;
- (iv) Protection of the state's natural environment;
- (v) Continuity and systematic development of the highway transportation network;

(vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

- (A) Support for development in and revitalization of existing downtowns;

(B) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

(C) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

- (D) Opportunities for multimodal transportation; and

(E) Extent to which the project accommodates planned growth and economic development;

- (vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;
- (viii) Public views concerning proposed improvements;
- (ix) The conservation of energy resources;
- (x) Feasibility of financing the full proposed improvement;
- (xi) Commitments established in previous legislative sessions;
- (xii) Relative costs and benefits of candidate programs.

(d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the legislative transportation ((~~commission~~)) committee if higher priority projects are awaiting funding.

(e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the legislative transportation ((~~commission~~)) committee if higher priority projects are awaiting funding.

(2) The ((~~commission~~)) legislative transportation committee may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The ((~~commission or secretary of~~)) legislative transportation committee shall maintain in its files information sufficient to show the extent to which the ((~~commission~~)) committee has departed from the established priority.

(3) The ((~~commission~~)) committee shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

**Sec. 21.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read as follows:

The ((~~commission~~)) legislative transportation committee shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the statewide transportation system consistent with the state's growth management goals, (2) identifies significant statewide transportation policy issues, and (3) recommends statewide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. The plan shall address how the department of transportation will meet the transportation needs and expedite the completion of industrial projects of statewide significance.

**Sec. 22.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system,

ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the legislative transportation ((commission)) committee. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

**Sec. 23.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not more than ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the ((commission)) committee as part of the state's six-year plan or included in the state's route development planning effort.

**Sec. 24.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read as follows:

For the purpose of environmental mitigation of transportation projects, the department may acquire or develop, or both acquire and develop, environmental mitigation sites in advance of the construction of programmed projects. The term "advanced environmental mitigation" means mitigation of adverse impacts upon the environment from transportation projects before their design and construction. Advanced environmental mitigation consists of the acquisition of property; the acquisition of property, water, or air rights; the development of property for the purposes of improved environmental management; engineering costs necessary for such purchase and development; and the use of advanced environmental mitigation sites to fulfill project environmental permit requirements. Advanced environmental mitigation must be conducted in a manner that is consistent with the definition of mitigation found in the council of environmental quality regulations (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands (EO 90-04). Advanced environmental mitigation is for projects approved by the ((transportation commission)) committee as part of the state's six-year plan or

included in the state highway system plan. Advanced environmental mitigation must give consideration to activities related to fish passage, fish habitat, wetlands, and flood management. Advanced environmental mitigation may also be conducted in partnership with federal, state, or local government agencies, tribal governments, interest groups, or private parties. Partnership arrangements may include joint acquisition and development of mitigation sites, purchasing and selling mitigation bank credits among participants, and transfer of mitigation site title from one party to another. Specific conditions of partnership arrangements will be developed in written agreements for each applicable environmental mitigation site.

**Sec. 25.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to read as follows:

The ~~((transportation commission))~~ committee shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department of transportation shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

**Sec. 26.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to read as follows:

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the ~~((commission and the))~~ legislative transportation committee.

**Sec. 27.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the ~~((transportation commission))~~ committee shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The ~~((commission))~~ committee need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the ~~((commission))~~ committee to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

**Sec. 28.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the ~~((state))~~ legislative transportation ~~((commission))~~ committee, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority.

### PART III

## TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE DEPARTMENT OF TRANSPORTATION

**NEW SECTION. Sec. 29.** A new section is added to chapter 47.01 RCW to read as follows:

The secretary of transportation has the following powers and duties:

(1) Propose to the governor and to the legislature before the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget must separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(2) Review and authorize all departmental requests for legislation;

(3) Approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities.

**Sec. 30.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those county roads in rural areas classified as rural arterials and collectors in accordance with the federal functional classification system and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state department of transportation (~~commission~~) with the approval of the secretary of the United States Department of Transportation in accordance with federal law.

(3) "Board" means the county road administration board created by RCW 36.78.030.

**Sec. 31.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~(state)~~ legislative transportation (~~commission~~) committee a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~(state)~~ department of transportation (~~commission~~) shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

**Sec. 32.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) An employer excise tax under RCW 81.100.030; and

(f) Vehicle tolls on new or reconstructed facilities. Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the ~~(state)~~ department of transportation (~~commission~~), or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

**Sec. 33.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. Effective January 1, 1997, an axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, under rules adopted by ~~((the transportation commission))~~ it with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

**Sec. 34.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to rules adopted by ~~((the transportation commission))~~ it with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

**Sec. 35.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation, pursuant to general rules adopted by ~~((the transportation commission))~~ it, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of

transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

**Sec. 36.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The department of transportation (~~commission~~) may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

**Sec. 37.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the (~~Washington transportation commission~~) department a total of fifteen million dollars of general obligation bonds of the state of Washington.

**Sec. 38.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of transportation (~~commission~~), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short- term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**Sec. 39.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the ~~((Washington state transportation commission))~~ department a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

**Sec. 40.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the ~~((transportation commission))~~ department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short- term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**Sec. 41.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended to read as follows:

The ~~((transportation commission))~~ department may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the ~~((transportation commission))~~ department deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

**Sec. 42.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

- (1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement;
- (2) A designation of the specific fund or funds to be used to carry out such agreement;
- (3) A provision that the department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier;
- (4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee;
- (5) Any additional provisions agreed upon by the ~~((transportation commission))~~ department and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240(~~(, as now or hereafter amended)~~).

**Sec. 43.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read as follows:

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon; however, until such time as a bridge across the Columbia River is constructed at a location adopted by the ~~((transportation commission))~~ department no existing route may be maintained or improved by the ~~((transportation commission))~~ department as a temporary route for state route number 35.

**Sec. 44.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to read as follows:

Not later than November 1st of each even-numbered year the transportation improvement board shall prepare and present to the ~~((commission))~~ department for comment and recommendation an adopted budget for expenditures from funds administered by the board during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the several accounts and the amount, if any, of bond proceeds which the board determines should be made available through the sale of bonds in the ensuing biennium.

**Sec. 45.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The ~~((transportation commission))~~ department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The ~~((commission))~~ department



shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

**Sec. 46.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read as follows:

(1) A citizen advisory committee must be created for any project developed under this chapter that imposes toll charges for use of a transportation facility. The governor shall appoint nine members to the committee, all of whom must be permanent residents of the affected project area, as that term is used in RCW 47.46.030.

(2) The citizen advisory committee shall serve in an advisory capacity to the (~~(commission)~~) department on all matters related to the imposition of tolls. Members of the committee shall serve without compensation.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll rates, the (~~(commission)~~) department shall give consideration to any recommendations of the citizen advisory committee.

**Sec. 47.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read as follows:

Pursuant to RCW 43.135.055, the legislature authorizes the department of transportation (~~(commission)~~) to increase bridge tolls in excess of the fiscal growth factor.

**Sec. 48.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the (~~(transportation commission)~~) department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

**Sec. 49.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

Whenever after the final adoption of a plan for a limited access highway by the (~~(transportation commission)~~) department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the (~~(commission)~~) department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

**Sec. 50.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the (~~(transportation commission)~~) department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be

maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

**Sec. 51.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to read as follows:

(1) Except as permitted under chapter 47.46 RCW:

(a) The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The (~~transportation commission~~) department shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law.

(c) The department shall have full charge of design of all toll facilities.

(d) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (d)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock- related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) Except as provided in (d) of this subsection, when the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is

most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.

**Sec. 52.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read as follows:

All powers vested in the toll bridge authority as of September 21, 1977, relating to the acquiring, operating, extending, designing, constructing, repairing, and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the department. The ~~((commission))~~ department shall determine all fares, tolls, and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing, and fiscal management of the system's bonded indebtedness in the manner provided by law.

**Sec. 53.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended to read as follows:

The department of transportation may ~~((with the approval of the transportation commission,))~~ provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining.

**Sec. 54.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in RCW 36.120.050(1)(f), a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law, and ~~((the state transportation commission, or its successor,))~~ shall be the tolling authority.

**Sec. 55.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended to read as follows:

Whenever in the judgment of the ~~((transportation commission))~~ department it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the ~~((commission))~~ department shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the ~~((commission))~~ department be included in the same authority and issue of bonds.

**Sec. 56.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read as follows:

Before the department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the ~~((commission))~~ department shall first pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of the toll bridge. The resolution is conclusive evidence (1) of the public necessity of such construction; (2) that the property is necessary therefor; and (3) that the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the department. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use as provided in this chapter for the same public use or purpose to which the property has been so appropriated or dedicated, or for any other public use or purpose, is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which the property has already been appropriated or dedicated. It is not necessary in any eminent domain

proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

**Sec. 57.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended to read as follows:

~~((In the event that))~~ ~~if the ((transportation commission should))~~ department determines that any toll bridge should be constructed, all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

**Sec. 58.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the ~~((transportation commission))~~ department advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the ~~((transportation commission))~~ department advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the ~~((commission))~~ department to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may ~~((with the consent of the commission))~~ be placed with the department of transportation to be sold by the department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which contribution was made. The ~~((commission))~~ department may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The ~~((commission))~~ department may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

**Sec. 59.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read as follows:

The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the ~~((transportation commission and))~~ department of transportation with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.

**Sec. 60.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to read as follows:

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the ~~((commission))~~ department so that the tolls and other revenues deposited in the Puget Sound ferry operations account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department and deposited into the Puget Sound ferry operations account. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

**Sec. 61.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall ~~((transmit to the transportation commission))~~ make public a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The ~~((commission))~~ department on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington Administrative Procedure Act, a schedule of charges

for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review ~~((and))~~, formulating recommendations, and ~~((the commission~~ ~~))~~ adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, ~~((submit))~~ make public its recommendation ~~((to the transportation commission which))~~, and may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the ~~((transportation commission))~~ department may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

**Sec. 62.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read as follows:

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal ~~((by the commission))~~, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.

**Sec. 63.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to read as follows:

Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the ~~((transportation commission))~~ department shall not collect tolls on the Hood Canal bridge for any purpose except where necessary to comply with bond covenants.

The cost of maintenance, upkeep, and repair may be paid from funds appropriated for the construction and maintenance of the primary state highways of the state of Washington.

**Sec. 64.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read as follows:

In order to provide funds necessary for vessel and terminal acquisition, construction, and major and minor improvements, including long lead time materials acquisition for the Washington state ferries, there shall be issued and sold upon the request of the ~~((Washington state))~~ department of transportation ~~((commission))~~ and legislative appropriation a total of two hundred ten million dollars of general obligation bonds of the state of Washington.

**Sec. 65.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.

(3) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(4) "Department of transportation" means the department as defined in RCW 47.01.021.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

(7) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the (~~transportation commission~~) department and who are not members of a collective bargaining unit represented by a ferry employee organization.

(8) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (11) of this section, shall not be considered a lockout.

(9) "Marine employees' commission" means the commission created in RCW 47.64.280.

(10) "Office of financial management" means the office as created in RCW 43.41.050.

(11) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her willful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

(12) "Transportation commission" means the commission as defined in RCW 47.01.021.

**Sec. 66.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the secretary of transportation may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ferry system management or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. Any meeting of the (~~transportation commission~~) department, during which a collective bargaining agreement is subject to ratification, shall be open to the public.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with (~~a member of the transportation commission~~) department personnel if the (~~commission~~) department has appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative, unless the (~~member of the commission~~) department personnel is the designated bargaining representative of the ferry system.

(6) The negotiation of a proposed collective bargaining agreement by representatives of ferry system management and a ferry employee organization shall commence in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget.

(7) Until a new collective bargaining agreement is negotiated, or until an award is made by the arbitrator, the terms and conditions of the previous collective bargaining agreement shall remain in force. The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st. It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical.

(8) Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through

47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.

(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

(1) RCW 47.01.051 (Commission created--Appointment of members-- Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

(2) RCW 47.01.061 (Commission--Procedures and internal operations) and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c 59 s 1, & 1977 ex.s. c 151 s 6.

NEW SECTION. Sec. 68. Any employees impacted by the repeal of the transportation commission in section 67 of this act are transferred to the department of transportation.

NEW SECTION. Sec. 69. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 70. Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003. The remainder of this act takes effect January 1, 2004."

Correct the title.

Representative Ericksen moved the adoption of amendment (004) to the striking amendment (003):

On page 16, after line 27 of the amendment, insert the following:

"NEW SECTION. Sec. 16. A new section is added to chapter 47.01 RCW to read as follows:

The department may adopt such rules and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the department by statute. However, before the department may issue the order adopting a new rule, as specified in RCW 34.05.360, the department must obtain the approval of the proposed rule by the legislative transportation committee."

Renumber the sections following consecutively and correct any internal references accordingly.

Correct the title.

Representatives Ericksen, Holmquist, DeBolt and Ericksen (again) spoke in favor of the adoption of the amendment.

Representatives Murray, Cooper, Murray (again) and Morris spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (004) to the striking amendment (003) to Substitute House Bill No. 1122.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (004) to the striking amendment (003) to Substitute House Bill No. 1122, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

The striking amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Ericksen, Murray, Lantz, Woods and Murray (again) spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1122.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1122 and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Bailey, Berkey, Blake, Buck, Bush, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Nixon, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Cairnes, Chandler, Clements, Condotta, Cox, Delvin, Gombosky, Hankins, Hinkle, Holmquist, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Schoesler and Skinner - 21.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4003, By Representatives Wallace, Morris, Kenney, Conway, Eickmeyer, Linville and Wood**

**Requesting increased borrowing authority for the Bonneville Power Administration.**

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4003 was substituted for House Joint Memorial No. 4003 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.



Representative Wallace spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4003.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4003 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

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

There being no objection, the House adjourned until 9:55 a.m., February 4, 2003, the 23<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY SECOND DAY, FEBRUARY 3, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**TWENTY THIRD DAY**

---

House Chamber, Olympia, Tuesday, February 4, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 1654 by Representatives Schual-Berke and Benson

AN ACT Relating to borrowing money by domestic mutual insurers; and amending RCW 48.09.320.

Referred to Committee on Financial Institutions & Insurance.

HB 1655 by Representatives Clibborn, Ericksen, Murray, Cooper, Morrell, Simpson, Armstrong, Rockefeller, Jarrett, Schindler, Mielke, Anderson, Wallace, Nixon, Shabro and Schual-Berke

AN ACT Relating to determination of disability for special parking privileges by advanced registered nurse practitioners; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1656 by Representatives Ruderman, Nixon, McIntire and Cairnes

AN ACT Relating to fees for locating unclaimed property; and amending RCW 63.29.350 and 63.29.180.

Referred to Committee on Finance.

HB 1657 by Representatives Kessler, Conway, Buck, Grant, Linville, Dunshee, Hatfield, Campbell, Condotta, McCoy, Eickmeyer, McMahan and Anderson

AN ACT Relating to sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1658 by Representatives Talcott, Quall, Anderson, Rockefeller, Holmquist, Miloscia, McMahan, Hunter, Tom, Delvin, Shabro, Ericksen, Sump, Lantz, Chase, Campbell, Nixon, Alexander, Sullivan, Skinner, Simpson, Kristiansen, Bush and Berkey

AN ACT Relating to linking success on academic assessments to driving privileges for persons under eighteen years of age; amending RCW 46.20.031, 46.20.091, and 46.20.100; reenacting and amending RCW 46.20.055; adding new sections to chapter 46.20 RCW; and creating a new section.

Held on 1<sup>st</sup> Reading.

HB 1659 by Representatives O'Brien, Cooper, Morris, Edwards and Santos

AN ACT Relating to providing funding for parks and recreational facilities; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1660 by Representatives McDermott, Armstrong and Dickerson

AN ACT Relating to ballot measure petitions; amending RCW 29.79.090, 29.79.100, and 29.79.110; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1661 by Representatives Cooper, McDermott and Cody

AN ACT Relating to the idling time and emissions reduction program; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1662 by Representatives Cooper, Cody and McDermott

AN ACT Relating to the intermodal container safety program; adding a new chapter to Title 81 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1663 by Representatives Cooper, Cody and McDermott

AN ACT Relating to the intermodal chassis roadability inspection program; adding a new chapter to Title 81 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1664 by Representatives Lovick, Delvin, Simpson, O'Brien, Bush and McCoy

AN ACT Relating to making an assault on a peace officer a most serious offense; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1665 by Representatives Lovick, Delvin, Simpson and O'Brien

AN ACT Relating to temporary orders involving law enforcement officers as respondents; and amending RCW 9.41.800.

Referred to Committee on Judiciary.

HB 1666 by Representatives Delvin, Lantz, Grant and Eickmeyer

AN ACT Relating to limiting the liability of owners of irrigation canal rights of way for injuries to certain users; and amending RCW 4.24.210.

Referred to Committee on Judiciary.

HB 1667 by Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell

AN ACT Relating to local government land use and zoning powers over gambling activities; and amending RCW 9.46.295.

Referred to Committee on Commerce & Labor.

HB 1668 by Representatives Hunter, Talcott, Schual-Berke, Tom, Linville, Quall, Anderson, Upthegrove and Santos

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1669 by Representatives Haigh, Benson, Ahern, Armstrong, Wood, Shabro, Moeller, Blake, Condotta and Upthegrove

AN ACT Relating to election costs; and amending RCW 29.13.047.

Referred to Committee on State Government.

HB 1670 by Representatives McDermott, Armstrong, Sommers, Haigh, Kessler, Nixon, Hatfield, Wood, Hunt, Tom, Wallace and Shabro

AN ACT Relating to election cycles; and amending RCW 42.17.020.

Referred to Committee on State Government.

HB 1671 by Representatives McDonald, Veloria and Skinner

AN ACT Relating to providing an exemption to the licensing requirement for apprentices in cosmetology; and amending RCW 18.16.070.

Referred to Committee on Commerce & Labor.

HB 1672 by Representatives Hunt, Kagi, Alexander, Campbell, Santos and Anderson

AN ACT Relating to bereavement leave for state employees; amending RCW 41.06.133; reenacting and amending RCW 41.06.150; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 1673 by Representatives Newhouse, Grant, Clements, Chandler, Condotta and McMahan

AN ACT Relating to excluding minors working in family businesses from industrial insurance provisions; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 1674 by Representatives Kirby, Chandler, Hatfield, Holmquist and Sullivan

AN ACT Relating to regulation of the sale of beer containing more than five and seven-tenths percent of alcohol by weight; amending RCW 66.04.010, 66.24.360, and 66.24.371; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1675 by Representatives Moeller, McMahan and Kirby

AN ACT Relating to updating civil trial provisions; amending RCW 4.44.020, 4.44.025, 4.44.070, 4.44.120, 4.44.140, 4.44.150, 4.44.180, 4.44.190, 4.44.210, 4.44.220, 4.44.230, 4.44.240, 4.44.250, 4.44.260, 4.44.280, 4.44.290, 4.44.300, 4.44.310, 4.44.360, 4.44.370, 4.44.380, 4.44.390, 4.44.420, 4.44.440, 4.44.450, 4.44.460, and 4.44.480; and repealing RCW 4.44.400.

Referred to Committee on Judiciary.

HB 1676 by Representatives Schual-Berke, Benson and Simpson; by request of Insurance Commissioner

AN ACT Relating to civil and criminal penalties for the unlawful transaction of insurance or health coverage; amending RCW 48.15.020, 48.17.060, 48.44.015, 48.44.060, 48.46.027, and 48.46.420; adding a new section to chapter 48.15 RCW; adding new sections to chapter 48.17 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1677 by Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

AN ACT Relating to authorizing a county to exempt certain property used in agriculture from taxation; and amending RCW 84.36.630.

Referred to Committee on Agriculture & Natural Resources.

HB 1678 by Representatives Hudgins and Hatfield; by request of Department of Licensing

AN ACT Relating to the Performance Registration Information Systems Management Program (PRISM); amending RCW 46.87.020 and 46.87.140; and adding new sections to chapter 46.87 RCW.

Referred to Committee on Transportation.

HB 1679 by Representatives Wallace, Morrell, Rockefeller and Hankins; by request of Department of Licensing

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, and 46.25.125; and reenacting and amending RCW 46.25.090.

Referred to Committee on Transportation.

HB 1680 by Representatives Hatfield, Hankins and Cooper; by request of Department of Licensing

AN ACT Relating to reports by vehicle wreckers and scrap processors; adding a new section to chapter 46.79 RCW; and adding a new section to chapter 46.80 RCW.

Referred to Committee on Transportation.

HB 1681 by Representatives Simpson, Jarrett and Rockefeller; by request of Department of Licensing

AN ACT Relating to renewal of driver's licenses and identicards by alternative means; amending RCW 46.20.035, 46.20.117, 46.20.120, 46.20.155, and 46.25.080; reenacting and amending RCW 46.20.055 and 46.20.070; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1682 by Representatives Cairnes, O'Brien and Mielke

AN ACT Relating to modifying requirements for correctional industries; amending RCW 72.09.100; reenacting and amending RCW 72.09.100; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1683 by Representatives Cairnes, Nixon, Carrell, McDonald, Bush, Orcutt, McMahan, Shabro, Sump, Mielke, Holmquist, Clements, Benson, Armstrong, Pflug, Condotta, Hinkle, Anderson, Woods, Buck, Delvin, Newhouse, Kristiansen, Sehlin, Pearson, Bailey, Chandler, Ericksen, Roach and Campbell

AN ACT Relating to eliminating the expiration date on the tax deferral program for research and development and high technology businesses; and amending RCW 82.63.030.

Referred to Committee on Finance.

HB 1684 by Representatives Cairnes, Nixon, Bush, McDonald, Carrell, Orcutt, McMahan, Shabro, Armstrong, Delvin, Holmquist, Clements, Benson, Mielke, Pflug, Hinkle, Condotta, Anderson, Woods, Buck, Newhouse, Bailey, Kristiansen, Sehlin, Sump, Pearson, Chandler, Ericksen and Roach

AN ACT Relating to eliminating the expiration date on the business and occupation tax credit for research and development; and amending RCW 82.04.4452.

Referred to Committee on Finance.

HB 1685 by Representatives Orcutt, Armstrong, Benson, Mielke, Shabro, Sump, McMahan, Bailey, Sehlin, Bush, Clements, Holmquist, Condotta, Kristiansen, Newhouse, Hinkle, Pearson, Nixon, Woods, Delvin, Chandler, Ericksen and Roach

AN ACT Relating to eliminating the expiration dates on tax exemptions for water services supplied by certain water-sewer districts and irrigation districts; and amending RCW 82.04.312 and 82.16.042.

Referred to Committee on Finance.

HB 1686 by Representatives Ahern, Orcutt, Armstrong, Sump, Mielke, Benson, McMahan, Shabro, Bailey, Bush, Holmquist, Clements, Condotta, Nixon, Newhouse, Sehlin, Hinkle, Pearson, Woods, Delvin, Kristiansen, Chandler, Ericksen and Roach

AN ACT Relating to eliminating the expiration date for rural county tax deferrals; amending RCW 82.60.040; and repealing RCW 82.60.050.

Referred to Committee on Finance.

HB 1687 by Representatives Cairnes, Nixon, McDonald, Carrell, Orcutt, Bush, McMahan, Shabro, Mielke, Delvin, Holmquist, Clements, Benson, Armstrong, Pflug, Condotta, Hinkle, Anderson, Woods, Buck, Newhouse, Bailey, Kristiansen, Sehlin, Sump, Pearson, Chandler, Ericksen, Roach and Campbell

AN ACT Relating to eliminating the expiration dates on research and development business and occupation tax credits and exemptions; and amending RCW 82.04.4452 and 82.63.030.

Referred to Committee on Finance.

HB 1688 by Representatives Roach, McDonald, Bush, Carrell, Orcutt, Nixon, McMahan, Shabro, Mielke, Delvin, Holmquist, Clements, Benson, Armstrong, Condotta, Sump, Hinkle, Anderson, Woods, Buck, Newhouse, Bailey, Sehlin, Pearson, Kristiansen, Chandler and Ericksen

AN ACT Relating to eliminating the expiration dates on tax benefits for environmental remedial action; and amending RCW 82.04.050, 82.04.2635, and 82.04.190.

Referred to Committee on Finance.

HB 1689 by Representatives Linville, Schoesler, Cooper, Chandler, Holmquist and Hatfield

AN ACT Relating to implementing the federal permit requirements for municipal separate storm sewer system permits; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1690 by Representatives Chandler, Crouse, Condotta and Holmquist

AN ACT Relating to the provision of greater predictability and consistency in the state wage and hour laws; amending RCW 49.46.005; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1691 by Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug

AN ACT Relating to authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance; amending RCW 51.04.030, 51.04.050, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.055, 51.32.055, 51.32.095, 51.36.010, 51.36.060, 51.36.110, 51.48.060, and 51.52.010; reenacting and amending RCW 51.32.090; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1692 by Representatives Sullivan and O'Brien

AN ACT Relating to local government whistleblower protection; amending RCW 42.41.020 and 42.41.030; and adding a new section to chapter 42.41 RCW.

Referred to Committee on Local Government.

HB 1693 by Representatives Cody, Skinner, Clibborn and Morrell; by request of Department of Social and Health Services

AN ACT Relating to direct care component rate allocation; and amending RCW 74.46.508.

Referred to Committee on Appropriations.

HB 1694 by Representatives Morrell, Campbell, Cody, Skinner, Clibborn and Dickerson; by request of Department of Social and Health Services

AN ACT Relating to the timing of the inspection of boarding homes; and amending RCW 18.20.110.

Referred to Committee on Health Care.

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

## **REPORTS OF STANDING COMMITTEES**

January 31, 2003

HB 1012 Prime Sponsor, Representative Bush: Regarding residential landlord-tenant relationships.  
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1152 Prime Sponsor, Representative Haigh: Revising funding of the archives division. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1154 Prime Sponsor, Representative Haigh: Funding oral history and archives activities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1155 Prime Sponsor, Representative Hunt: Authorizing a pilot project for military and overseas voters to vote over the Internet. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1157 Prime Sponsor, Representative Hunt: Regulating actions on the validity of ballot measures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1161 Prime Sponsor, Representative McDermott: Administering funds received under the Help America Vote Act. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2003

HB 1245 Prime Sponsor, Representative Linville: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Agriculture & Natural Resources



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

January 30, 2003

HB 1320 Prime Sponsor, Representative Delvin: Changing provisions relating to provision of mental health treatment for minors. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Health Care was relieved of further consideration of HOUSE BILL NO. 1567, and the bill was referred to the Committee on Commerce & Labor.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 1001, and the bill was placed on the Second Reading.

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

There being no objection, the House adjourned until 10:00 a.m., February 5, 2003, the 24<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY THIRD DAY, FEBRUARY 4, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**TWENTY FOURTH DAY**

---

House Chamber, Olympia, Wednesday, February 5, 2003

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker called upon Representative Lovick to preside.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Diana Phelan and Duane Goehring. Prayer was offered by Reverend Paul Lundborg, The Lutheran Church of the Good Shepherd.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2003-4608, by Representatives Hunter, Tom, Talcott, Bailey, Jarrett, Priest, Ericksen, Miloscia, Shabro, Cox, Alexander, McDonald, Chase, Hunt, Kagi, Kessler, Sullivan, Darneille, Berkey, Rockefeller, Sehlin, Clements, Mastin, Pearson, Fromhold, Sommers, Lovick, Hudgins, Grant, Ruderman, Wallace, Veloria, Pettigrew, Morrell, Cooper, Carrell, Condotta, Schual-Berke, Wood, Linville, Pflug, Cody, Murray, McIntire, Orcutt, Delvin, Ahern, Newhouse, Nixon, Edwards, McMahan, Kirby, Skinner, Kristiansen, Moeller, Hatfield, Blake, McDermott, McCoy, Dickerson, Eickmeyer, Flannigan, Lantz, Morris, O'Brien, Gombosky, Kenney, Conway and Hankins

WHEREAS, The Washington State Parent Teacher Association was founded as a child advocacy organization in 1905; and

WHEREAS, The Washington State Parent Teacher Association has worked diligently for nearly one hundred years to advocate on behalf of every child in this state; and

WHEREAS, The Washington State Parent Teacher Association is the largest child advocacy organization in Washington; and

WHEREAS, The Washington State Parent Teacher Association is the only child advocacy organization that advocates on behalf of the whole child, including health, education, safety, and welfare issues for children; and

WHEREAS, The Washington State Parent Teacher Association continues to be a leader in advocating the importance of parental involvement in their children's lives; and

WHEREAS, The Washington State Parent Teacher Association has long had a presence in the policy-setting arena where children's issues are being considered; and

WHEREAS, The Washington State Parent Teacher Association is looked to by its members, the public, and policymakers as a credible resource on issues affecting children;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives publicly recognize the accomplishments of the Washington State Parent Teacher Association toward improving the life of every child in Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the importance of considering the needs of the whole child in public policy decisions; and

BE IT FURTHER RESOLVED, That the House of Representatives laud the commitment of the Washington State Parent Teacher Association and its members on behalf of all children; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Parent Teacher Association.

HOUSE RESOLUTION NO. 4608 was adopted.

HOUSE RESOLUTION NO. 2003-4610, By Representatives Jarrett, Clibborn, Talcott and Hankins

WHEREAS, There are 200 local Chambers of Commerce in the state of Washington representing approximately 54,000 small businesses which, in turn, employ over 2,800,000 citizens; and

WHEREAS, Washington State Chambers raise over \$25,000,000 annually for local community enrichment projects, involving more than 14,000 volunteers who give generously of their time and talent; and

WHEREAS, Washington State Chambers managed in excess of 3,000,000 visitor and relocation inquiries last year, and at the same time served over 30,000 businesses seeking information about locating their companies in our state; and

WHEREAS, During 2002, approximately 250 new businesses opened their doors in Washington, assisted by their local Chamber of Commerce, creating more than 5,000 new jobs for our citizens; and

WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication, and dignity enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the United States Chamber of Commerce in Washington D.C.

HOUSE RESOLUTION NO. 4610 was adopted.

### **INTRODUCTION & FIRST READING**

HB 1658 by Representatives Talcott, Quall, Anderson, Rockefeller, Holmquist, Miloscia, Hunter, Tom, Delvin, Shabro, Ericksen, Sump, Lantz, Chase, Campbell, Nixon, Alexander, Sullivan, Skinner, Simpson, Kristiansen, Bush and Berkey

AN ACT Relating to linking success on academic assessments to driving privileges for persons under eighteen years of age; amending RCW 46.20.031, 46.20.091, and 46.20.100; reenacting and amending RCW 46.20.055; adding new sections to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Education.

HB 1695 by Representatives Quall, Morris and Edwards

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Local Government.

HB 1696 by Representatives Simpson, Delvin and Lovick; by request of Lieutenant Governor

AN ACT Relating to alcohol-related offenses; amending RCW 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, and 46.63.020; reenacting and amending RCW 46.20.3101, 46.20.391, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1697 by Representatives Schual-Berke, Nixon, Priest, Miloscia, Roach, Veloria, Hudgins, Pflug, McDermott, Upthegrove, Cody and Edwards

AN ACT Relating to property tax limitations for port districts; amending RCW 84.55.092; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1698 by Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee

AN ACT Relating to outdoor recreation programs; and amending RCW 46.09.020 and 46.09.170.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1699 by Representatives Pflug and Anderson

AN ACT Relating to equalizing salary allocations for certificated instructional staff; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1700 by Representatives Anderson, Pflug and Jarrett

AN ACT Relating to cost-of-living adjustments in basic education salary allocations for certificated instructional staff; amending RCW 28A.400.200 and 28A.400.205; and creating a new section.

Referred to Committee on Education.

HB 1701 by Representative Dunshee

AN ACT Relating to the repeal of the state prohibition on funding options in RCW 82.02.090 regarding law enforcement, courts, and jails; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 1702 by Representatives Hatfield, Mielke, Romero, Armstrong, Cooper, Blake, Boldt, Orcutt, Santos, McCoy, Alexander, Schoesler, Chandler, Grant, Schindler and Condotta

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; and repealing RCW 47.36.325.

Referred to Committee on Transportation.

HB 1703 by Representatives Anderson, Nixon, Crouse, Pflug, Priest, Tom, Ericksen, Jarrett and Benson

AN ACT Relating to providing tax incentives to promote the production and distribution of electricity from alternative sources of energy; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1704 by Representatives Kirby, Schindler and McDonald

AN ACT Relating to rental payments to landlords from public assistance; and amending RCW 74.08.280.

Referred to Committee on Children & Family Services.

HB 1705 by Representatives Simpson, Chandler, Cooper, Newhouse, Skinner, Romero, Hankins, Hatfield, Mastin, Delvin, Lovick, Campbell, Wood, Sump, Grant, Hudgins, Dunshee, Rockefeller, Moeller and Linville

AN ACT Relating to tire recycling; amending RCW 70.95.510, 70.95.530, and 70.95.535; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1706 by Representatives Mastin and Grant

AN ACT Relating to changing the focus of the promise scholarship; amending RCW 28B.119.005, 28B.119.010, and 28B.119.020; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1707 by Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson

AN ACT Relating to revising environmental review provisions to improve the development approval process and enhance economic development; and amending RCW 43.21C.031, 43.21C.060, 43.21C.110, and 43.21C.240.

Referred to Committee on Local Government.

HB 1708 by Representatives Campbell, Conway, Bush, Moeller, Edwards, Linville and Haigh

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

Referred to Committee on Finance.

HB 1709 by Representatives Anderson, Talcott, Pflug and Cox

AN ACT Relating to parent-based performance compensation for certificated employees allocated from local levy funds; amending RCW 28A.400.200; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

HB 1710 by Representatives Upthegrove, Dickerson, Kagi, Delvin, Pettigrew, Chase and Kenney

AN ACT Relating to custodial assault at juvenile rehabilitation facilities and institutions; and amending RCW 13.40.460.

Referred to Committee on Juvenile Justice & Family Law.

HB 1711 by Representatives O'Brien, Mielke and Darneille; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.330; and repealing RCW 82.14.335.

Referred to Committee on Appropriations.

HB 1712 by Representatives O'Brien, Mielke and Darneille; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to registration of sex offenders and kidnapping offenders; and amending RCW 9A.44.130.

Referred to Committee on Criminal Justice & Corrections.

HB 1713 by Representatives Romero, Haigh, Grant, Hunt, Armstrong, Rockefeller, Fromhold, Conway, Miloscia and Campbell

AN ACT Relating to public employees' retirement system, plan 1 members' monetary compensation for accrued sick leave; reenacting and amending RCW 41.04.340; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1714 by Representatives Jarrett, Clibborn, Tom, Ruderman, Hunter and Moeller

AN ACT Relating to school district levy lids; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 1715 by Representatives Cooper, Delvin, Kenney, Hinkle, O'Brien, Chase, Simpson, Conway, Pettigrew, Sullivan, Edwards and Berkey

AN ACT Relating to extending death benefits to certain surviving spouses under the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.160 and 41.26.161.

Referred to Committee on Appropriations.

HB 1716 by Representatives Cody, Campbell, Schual-Berke, Moeller, Edwards and Morrell

AN ACT Relating to insurance loss ratios; and amending RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health Care.

HB 1717 by Representatives Cody and Campbell

AN ACT Relating to separate billing of tenants for water and wastewater services by a landlord; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 1718 by Representatives Carrell, Delvin, Hinkle, Eickmeyer and Upthegrove

AN ACT Relating to the treatment of minors; amending RCW 70.96A.235 and 70.96A.245; adding a new section to chapter 70.96A RCW; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 1719 by Representatives Upthegrove, Hunt, Dunshee, Romero, Hudgins and Darneille

AN ACT Relating to making injunctive relief available to private parties under the shoreline management act; and amending RCW 90.58.230.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1720 by Representatives Upthegrove, Delvin and Dickerson

AN ACT Relating to petitions for nonparental custody of a child; and adding a new section to chapter 26.10 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1721 by Representatives Moeller, Boldt, Fromhold and Wallace

AN ACT Relating to the practice of dentistry by students in accredited state dental schools; and amending RCW 18.32.030.

Referred to Committee on Health Care.

HB 1722 by Representatives Gombosky and Cairnes

AN ACT Relating to the taxability of persons with limited connections to Washington; amending RCW 82.08.050 and 82.12.040; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1723 by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach

AN ACT Relating to the property taxation of qualified historic property; amending RCW 84.26.010, 84.26.020, 84.26.110, and 84.26.130; adding new sections to chapter 84.26 RCW; and creating a new section.

Referred to Committee on Finance.

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

### **REPORTS OF STANDING COMMITTEES**

February 4, 2003

HB 1010 Prime Sponsor, Representative Dickerson: Changing provisions relating to discharge of a minor from a mental health facility. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 1, line 16, strike "on" and insert "by"

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1295 Prime Sponsor, Representative Morrell: Eliminating barriers to initial licensure in health professions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1296 Prime Sponsor, Representative Moeller: Making corrections to the department of health's professional and facilities licensing provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

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

## **SECOND READING**

**SENATE BILL NO. 5001, By Senators Zarelli, McCaslin, Kastama, T. Sheldon, Carlson, Esser and Sheahan**

**Revising the felony-murder statute.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Carrell and McMahan spoke in favor of passage of the bill.

## **MOTIONS**

On motion of Representative Newhouse, Representative Skinner was excused. On motion of Representative Santos, Representative Kessler was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5001.

## **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5001 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representative Flannigan - 1.

Excused: Representatives Kessler and Skinner - 2.

SENATE BILL NO. 5001, having received the necessary constitutional majority, was declared passed.

## **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Senate Bill No. 5001.

LYNN KESSLER, 24<sup>th</sup> District



**HOUSE BILL NO. 1001, By Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Voloria, O'Brien, Kenney, Campbell, Nixon and Darneille**

**Revising voyeurism laws.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1001 was read the second time.

There being no objection, amendment (005) to Substitute House Bill No. 1001 was withdrawn.

Representative McMahan moved the adoption of amendment (006):

On page 2, line 9, after "purpose" insert ", whether private or commercial."

On page 2, line 16, after "purpose" insert ", whether private or commercial."

On page 2, after line 35, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person who distributes, disseminates, or otherwise discloses any photograph, motion picture film, digital image, video tape, or any other recording that the person knows was made or acquired in violation of RCW 9A.44.115(2)(a) is guilty of a class C felony.

(2) A person who distributes, disseminates, or otherwise discloses any photograph, motion picture film, digital image, video tape, or any other recording that the person knows was made or acquired in violation of RCW 9A.44.115(2)(b) is guilty of a gross misdemeanor, unless the person has previously been convicted under this section, under RCW 9A.44.115 or of a sex offense as defined in RCW 9.94A.030, in which case the person is guilty of a class C felony."

Renumber the remaining sections consecutively and correct the title.

Representatives McMahan, Lantz and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was order engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1001.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Kessler and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1001.

LYNN KESSLER, 24<sup>th</sup> District

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

There being no objection, the House adjourned until 9:55 a.m., February 6, 2003, the 25<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY FOURTH DAY, FEBRUARY 5, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**TWENTY FIFTH DAY**

---

House Chamber, Olympia, Thursday, February 6, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 1724 by Representatives Cody, Dickerson, Pflug, Skinner, Hunt, Alexander and Kenney; by request of Department of Services for the Blind

AN ACT Relating to changing provisions on the department of services for the blind; amending RCW 74.18.010, 74.18.020, 74.18.050, 74.18.060, 74.18.070, 74.18.090, 74.18.110, 74.18.120, 74.18.130, 74.18.140, 74.18.150, 74.18.170, 74.18.180, 74.18.200, 74.18.210, and 74.18.230; adding new sections to chapter 74.18 RCW; and repealing RCW 74.18.160 and 74.18.250.

Referred to Committee on Children & Family Services.

HB 1725 by Representatives Cooper and Upthegrove

AN ACT Relating to catch record cards; and amending RCW 77.32.430 and 77.32.256.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1726 by Representatives Haigh and Armstrong; by request of Office of Financial Management

AN ACT Relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed; and amending RCW 49.48.120.

Referred to Committee on Commerce & Labor.

HB 1727 by Representatives O'Brien and Kirby

AN ACT Relating to death certificates of sex offenders supplied to law enforcement agencies; and amending RCW 70.58.107.

Referred to Committee on Health Care.

HB 1728 by Representatives O'Brien, Sump and Kirby

AN ACT Relating to community and technical college special police; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1729 by Representatives O'Brien, Kagi and Berkey

AN ACT Relating to inmate funds; and amending RCW 51.32.040.

Referred to Committee on Commerce & Labor.

HB 1730 by Representatives Condotta, Armstrong, Sump, Newhouse, Holmquist, Hinkle, Clements, Kristiansen, Chandler, Pearson, Skinner, Schoesler and Buck

AN ACT Relating to purchase of land by state agencies; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Capital Budget.

HB 1731 by Representatives Kenney, Cox and Chase; by request of Higher Education Coordinating Board

AN ACT Relating to the educational opportunity grant program; and amending RCW 28B.101.005, 28B.101.010, 28B.101.020, and 28B.101.040.

Referred to Committee on Higher Education.

HB 1732 by Representatives Roach, Cairnes, Schual-Berke and Condotta

AN ACT Relating to requiring voter approval for port district property taxes; and amending RCW 53.36.020.

Referred to Committee on Local Government.

HB 1733 by Representatives McIntire, Benson, Gombosky, Kenney, Jarrett, Ruderman, Dunshee and Simpson

AN ACT Relating to creating the Washington voluntary accounts program; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 41 RCW.

Referred to Committee on Appropriations.

HB 1734 by Representatives Romero, Hinkle, Moeller, Delvin, Grant, Jarrett and Flannigan; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to state building codes; amending RCW 19.27.031, 19.27.080, and 19.27.110; and creating a new section.

Referred to Committee on Local Government.

HB 1735 by Representatives Murray, Jarrett, Gombosky, Romero, Simpson, Kenney and Wood

AN ACT Relating to regulation of streets; amending RCW 82.80.070; adding new sections to chapter 35.77 RCW; creating a new section; repealing RCW 82.80.040, 82.80.050, and 82.80.060; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1736 by Representatives Lantz, Carrell, Boldt, Dickerson and Kenney

AN ACT Relating to the role of guardians for persons with developmental disabilities; amending RCW 11.88.030, 11.88.095, 11.92.043, 11.92.190, 71A.10.060, and 71A.10.070; and amending 1998 c 216 s 9 (uncodified).

Referred to Committee on Judiciary.

HB 1737 by Representatives McIntire, Morris, Conway and Simpson

AN ACT Relating to repealing outdated and unused tax preferences; amending RCW 15.76.165, 43.52.460, 82.04.050, 82.04.260, and 82.08.0255; creating a new section; repealing RCW 82.35.010, 82.35.020, 82.35.040, 82.35.050, 82.35.070, 82.35.080, 82.35.900, 82.61.010, 82.61.030, 82.61.050, 82.61.060, 82.61.080, 82.61.090, 82.61.900, 82.61.901, 48.14.029, 82.04.4329, 82.08.0276, 82.08.0295, 82.29A.135, 84.56.450, 84.36.300, 82.66.010, 82.66.020, 82.66.040, 82.66.050, 82.66.060, 82.66.900, and 82.66.901; and providing effective dates.

Referred to Committee on Finance.

HB 1738 by Representatives Haigh and Armstrong; by request of Office of Financial Management

AN ACT Relating to the recoupment of state employee salary and wage overpayments; and adding new sections to chapter 49.48 RCW.

Referred to Committee on Commerce & Labor.

HB 1739 by Representatives Alexander, Sommers, Romero and Hunt; by request of Department of General Administration

AN ACT Relating to funding services within the department of general administration; amending RCW 43.19.565 and 43.19.615; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.19 RCW; creating a new section; and repealing RCW 43.19.605.

Referred to Committee on Appropriations.

HB 1740 by Representatives Hunt, Pearson, Sullivan, Haigh, McDermott, Tom, Miloscia, Hinkle, Simpson, Conway, Fromhold, Bush, Hudgins, Ahern, Hatfield, Pettigrew, Clibborn, Dickerson, Linville, Morris, Dunshee, Wallace, Schual-Berke, Voloria, Chase, Romero, Ruderman and Condotta

AN ACT Relating to restrictions on local access to broadcasts of professional sports; adding a new section to chapter 36.102 RCW; and providing a contingent effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1741 by Representatives Romero, Lantz, Mielke, O'Brien, Edwards, Chase and Schindler

AN ACT Relating to prohibiting discrimination against consumers' choices in housing; adding a new section to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1742 by Representatives Rockefeller, Eickmeyer, McIntire, Lantz, Woods and Haigh

AN ACT Relating to public facilities districts; and amending RCW 36.100.030.

Referred to Committee on Trade & Economic Development.

HB 1743 by Representatives Cooper, Upthegrove, Sump, Pearson and Anderson; by request of Department of Ecology

AN ACT Relating to hazardous waste; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1744 by Representatives Lovick and Campbell

AN ACT Relating to court fees; and amending RCW 27.24.070, 36.18.016, 36.18.020, and 4.12.090.

Referred to Committee on Judiciary.

HB 1745 by Representatives Kessler, Romero, Jarrett, Ruderman, Nixon, Clibborn, Rockefeller, Dickerson, Simpson, McDermott, Kenney, Linville and Wood

AN ACT Relating to laying hens; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Judiciary.

HB 1746 by Representatives Alexander, Conway, DeBolt, Chandler and Simpson

AN ACT Relating to electrical contractor licenses; and amending RCW 19.28.041.

Referred to Committee on Commerce & Labor.

HB 1747 by Representatives McIntire, Santos, Conway, McDermott and Kenney

AN ACT Relating to uniform local business license taxes on software businesses; adding a new section to chapter 35.21 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1748 by Representatives Sommers, Alexander, Fromhold, Kenney, Sehlin, Dunshee and Kagi

AN ACT Relating to hiring retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.570, 41.40.037, and 41.40.037; repealing 2001 c 317 s 1; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1749 by Representatives Grant, Schoesler, Ahern, Benson and Ericksen

AN ACT Relating to withdrawals of public ground waters; and amending RCW 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

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

## **REPORTS OF STANDING COMMITTEES**

February 4, 2003

HB 1098 Prime Sponsor, Representative Lantz: Authorizing electronic notice and other communications within the Washington nonprofit corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1240 Prime Sponsor, Representative Sullivan: Providing tax incentives for biodiesel and alcohol fuel production. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Delvin.

Referred to Committee on Finance.

February 4, 2003

HB 1241 Prime Sponsor, Representative Sullivan: Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Delvin.

Referred to Committee on Finance.

February 4, 2003

HB 1242 Prime Sponsor, Representative Sullivan: Establishing requirements for the use of biodiesel by state agencies. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Blake; Hudgins; Kirby; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Bush; DeBolt; Delvin and McMahan.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1243 Prime Sponsor, Representative Sullivan: Establishing a biodiesel pilot project for school transportation. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Blake; Bush; Hudgins; Kirby; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; DeBolt; Delvin and McMahan.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 7, 2003, the 26<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY FIFTH DAY, FEBRUARY 6, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**TWENTY SIXTH DAY**

---

House Chamber, Olympia, Friday, February 7, 2003

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Godlewski and Peter Lestelle. Prayer was offered by Reverend Paul Lundborg, The Lutheran Church of the Good Shephard.

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

**MESSAGE FROM THE SENATE**

February 6, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 5001, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

SENATE BILL NO. 5001,

**INTRODUCTION & FIRST READING**



HB 1750 by Representatives Grant, Mastin, Haigh, Chandler, Holmquist, Crouse, Condotta, Hatfield, Schoesler, Talcott and Newhouse

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010, 49.46.010, and 49.46.020; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1751 by Representatives Fromhold, Boldt, Veloria, Cairnes, Gombosky, Roach, Orcutt, Mielke, Grant, Sullivan, Wallace, Moeller, Rockefeller, Chase, Nixon and Skinner

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.260, 82.04.240, and 82.04.280; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Trade & Economic Development.

HB 1752 by Representatives Schindler, Romero, Edwards, Mielke, Upthegrove, Jarrett and Rockefeller

AN ACT Relating to fire protection districts; amending RCW 35A.14.380; and repealing RCW 35.02.200, 35.02.202, 35.02.205, and 35A.14.400.

Referred to Committee on Local Government.

HB 1753 by Representatives Cody, Pflug, Skinner, Clibborn, Morrell, Benson and Edwards; by request of Department of Social and Health Services and Department of Health

AN ACT Relating to nursing practices in community-based and in-home care; amending RCW 18.79.040, 18.79.260, 18.88A.140, 18.88A.200, 18.88A.210, 18.88A.230, 70.127.010, 70.127.040, 70.127.120, 70.127.170, 69.41.010, and 69.41.085; and declaring an emergency.

Referred to Committee on Health Care.

HB 1754 by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero

AN ACT Relating to poultry; amending RCW 69.07.100; adding a new section to chapter 43.20 RCW; adding a new section to chapter 16.49 RCW; and adding a new section to chapter 69.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1755 by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell

AN ACT Relating to creating alternative means for annexation of unincorporated island of territory; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 1756 by Representatives Conway, Kirby, Talcott, Flannigan, Darneille, Shabro, Edwards and Morrell

AN ACT Relating to authorizing additional funding for local governments; reenacting and amending RCW 84.52.010; adding a new section to chapter 82.14 RCW; adding new sections to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1757 by Representatives Holmquist, Grant, Hinkle, Clements, Chandler, Sump, Schoesler, Kristiansen, Newhouse, Delvin, Quall, Condotta, Mastin, Buck, Orcutt, Armstrong and Benson

AN ACT Relating to the relinquishment of water rights; amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1758 by Representatives Schoesler and Haigh

AN ACT Relating to chickens; amending RCW 69.07.100; adding a new section to chapter 43.20 RCW; adding a new section to chapter 16.49 RCW; and adding a new section to chapter 69.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1759 by Representatives Schual-Berke and Benson

AN ACT Relating to financial institution law parity; amending RCW 32.08.142, 32.08.146, and 32.32.500; reenacting and amending RCW 30.04.215; adding new sections to chapter 30.04 RCW; and adding new sections to chapter 32.08 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1760 by Representatives Boldt, Anderson, Mielke and McMahan

AN ACT Relating to ensuring discovery of sex offenses against children; amending RCW 9A.76.070 and 9A.08.030; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1761 by Representatives Lovick, Ahern, O'Brien, Hatfield, Haigh, Rockefeller and Bush

AN ACT Relating to providing for financial restitution to victims of sexual assault from inmate funds and wages; and amending RCW 72.09.111 and 7.68.070.

Referred to Committee on Criminal Justice & Corrections.

HB 1762 by Representatives Murray, Hankins, Cooper, McDermott, Rockefeller, Gombosky, Santos and Haigh

AN ACT Relating to a motor vehicle registration fee to fund air quality protection and improvement and motor vehicle related toxic cleanup; adding a new section to chapter 46.16 RCW; adding a new section to chapter 70.105D RCW; adding a new section to chapter 70.94 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1763 by Representatives Berkey, Jarrett, Kenney, Priest, Fromhold, Chase, Santos, Lovick, Conway, O'Brien, Linville, Hudgins, Talcott and Edwards

AN ACT Relating to conditional scholarships for prospective teachers; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 1764 by Representatives Lantz, Carrell, O'Brien, Flannigan and Moeller

AN ACT Relating to liability for performing pretrial supervision activities; amending RCW 36.01.070; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1765 by Representatives O'Brien, Campbell, Veloria, Cooper and Bush

AN ACT Relating to inmate labor; amending RCW 72.01.150, 72.09.070, 72.09.100, 72.60.110, and 72.09.010; reenacting and amending RCW 72.09.100; adding a new section to chapter 72.09 RCW; repealing RCW 43.19.535; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 1766 by Representatives Anderson and Benson

AN ACT Relating to the public inspection and copying of state investment board information; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1767 by Representatives Lovick, Campbell, Mielke, Lantz and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to forensic competency examinations; amending RCW 10.77.060; and creating a new section.

Referred to Committee on Judiciary.

HB 1768 by Representatives Haigh, Miloscia and Hunt

AN ACT Relating to the authority of public facilities districts; and amending RCW 36.100.030.

Referred to Committee on Trade & Economic Development.

HB 1769 by Representatives Romero, Cooper, Dunshee, Linville and Edwards; by request of Governor Locke

AN ACT Relating to timelines and funding for implementation of guidelines for shoreline master programs; and amending RCW 90.58.080 and 90.58.250.

Referred to Committee on Local Government.

HJM 4011 by Representatives Veloria, Skinner, Eickmeyer, Santos, Rockefeller, Chase, Linville, Upthegrove and Edwards

Requesting the state investment board to develop policies to invest more funds in Washington firms.

Referred to Committee on Trade & Economic Development.

HCR 4402 by Representatives Kessler, DeBolt and Hankins

Remembering former legislators.

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

There being no objection, House Concurrent Resolution No. 4402 was read the first time in full, the rules were suspended and the resolution was placed on the Second Reading calendar.

### **REPORTS OF STANDING COMMITTEES**

February 6, 2003

HB 1057 Prime Sponsor, Representative Hatfield: Creating the license suspension review committee.  
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1058 Prime Sponsor, Representative Kagi: Addressing educational attainment for foster children.  
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1109 Prime Sponsor, Representative Clibborn: Providing wildland fire fighting training. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 4, 2003

HB 1137 Prime Sponsor, Representative Wallace: Creating the corps of discovery pass. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and Upthegrove.

Referred to Committee on Appropriations.

February 4, 2003

HB 1138 Prime Sponsor, Representative McIntire: Reestablishing the state parks and outdoor recreation funding task force. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1144 Prime Sponsor, Representative Haigh: Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1160 Prime Sponsor, Representative Miloscia: Harmonizing election crimes and penalties. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1198 Prime Sponsor, Representative Pflug: Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1199 Prime Sponsor, Representative Fromhold: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1203 Prime Sponsor, Representative Conway: Providing optional service credit for substitute service to members of the school employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1206 Prime Sponsor, Representative Pflug: Making optional plan 3 member contributions.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1207 Prime Sponsor, Representative Alexander: Providing a death benefit for certain public employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1208 Prime Sponsor, Representative Cooper: Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1233 Prime Sponsor, Representative Pettigrew: Improving services for kinship caregivers.  
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 6, 2003

HB 1289 Prime Sponsor, Representative Hinkle: Concerning temporary fishing licenses. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 4, 2003

HB 1339 Prime Sponsor, Representative Simpson: Regulating escrow agents and officers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Cooper; Hatfield; Hunter and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell and Roach.

Referred to Committee on Appropriations.

February 4, 2003

HB 1340 Prime Sponsor, Representative Cooper: Regulating check cashers and sellers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

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

## SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4402, By Representatives Kessler and DeBolt**

**Remembering former legislators.**

The concurrent resolution was read the second time.

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

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

The House Joint Resolution No. 4402 was adopted.

The Speaker appointed Representatives Lovick and Clements to the special committee.

**HOUSE BILL NO. 1214, By Representatives Cody, Pflug, Conway, Cooper, McCoy, Berkey, Veloria, Schual-Berke, Bush, Lovick, Hunt, Campbell, Kirby, Hudgins, Dickerson, Pettigrew, Pearson, Wood, Fromhold, Upthegrove, Schindler, McDermott, Wallace, Rockefeller, Morrell, Simpson, Anderson, McMahan, Darneille, Chase, Woods and Clements; by request of Governor Locke**

**Making prescription drugs more available.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1214 was read the second time.

There being no objection, amendment (009) was withdrawn.

Representative Conway moved the adoption of amendment (012):

On page 2, line 20, after "school districts" insert "for whom the authority is providing the school districts' health insurance programs as provided in RCW 28A.400.350"

Representatives Conway and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (010):

On page 4, line 28, strike "twelve" and insert "thirteen"

On page 5, after line 14, insert the following:  
"(d) The governor shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University;"

Renumber the remaining subsections accordingly.

On page 8, line 35, after "specified in" strike all language through and including "of this act" on line 36 and insert, "section 3(2)(e),(f), and (g) of this act"

Representatives Cody and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (002):

On page 6, line 5, after "committee." insert "The preferred drug list shall exclude drugs used to treat mental illness, cancer, the acquired human immunodeficiency virus, and diabetes."

Representatives Alexander, Pflug and Delvin spoke in favor of the adoption of the amendment.

Representatives Cody and Quall spoke against the adoption of the amendment.

#### MOTION

On motion of Representative Clements, Representative Sehlin was excused.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (002) to Second Substitute House Bill No. 1214.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (002) to Second Substitute House Bill No. 1214, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representative Sehlin - 1.

Representative Schual-Berke moved the adoption of amendment (011):

On page 2, line 20, after "school districts" insert "for whom the authority is providing the school districts' health insurance programs as provided in RCW 28A.400.350"

Representatives Schual-Berke and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of amendment (013):

On page 13, line 22, after "purchased from or through" strike "managed care organizations" and insert "health carriers as defined in RCW 48.43.005"

Representatives Linville, Alexander, DeBolt and Linville (again) spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (014):

On page 8, line 12, after "section 13 of this act." insert:

"The administrator shall not require that any supplemental rebate offered by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to state purchased health care programs other than medical assistance, or to private individuals or entities participating in the consortium."

Representatives Cody and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Pflug moved the adoption of amendment (015):

On page 1, line 5, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that prescription drugs are an effective and important part of efforts to maintain and improve the health of Washington state residents. Yet prescription drug expenditures in both the public and private sectors are growing at rates far in excess of consumer or medical inflation, placing a strain on the ability of public and private health care purchasers to continue to offer comprehensive health benefits coverage. In addition, inappropriate use of prescription drugs can have serious health consequences for Washington state residents.

(2) It is the intent of the legislature to:

(a) Develop a comprehensive prescription drug education and utilization system in Washington state that will ensure best prescribing practices and pharmaceutical use, reduce administrative burdens on providers, increase consumer understanding of and compliance with appropriate use of prescription drugs, help to control

increases in consumer and state health care spending, and improve prescription drug purchasing through a sound evidence-based process that evaluates the therapeutic value and cost-effectiveness of prescription drugs; and

(b) Develop a program to promote access to affordable prescription drug coverage to low-income aged or disabled persons who do not otherwise have adequate coverage to purchase necessary and appropriate prescription drugs.

**Sec. 2.** RCW 41.05.011 and 2001 c 165 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and fire fighters as defined in RCW 41.26.030, and reserve officers and fire fighters as defined in RCW 41.24.010 who

die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Prescription drug board" means the prescription drug advisory board created in section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The prescription drug advisory board is created within the authority. The function of the prescription drug board is to provide advice and guidance on prescription drug policies and programs established under section 4 of this act.

(2) The prescription drug board shall be composed of eleven members selected as provided in this subsection.

(a) The governor shall select one member of the prescription drug board from lists of three nominees submitted by statewide organizations representing each of the following:

(i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;

(ii) One member who is a licensed physician;

(iii) One member who is a licensed pharmacist;

(iv) One member representing a health carrier licensed under Title 48 RCW;

(v) One member representing a private union;

(vi) One member representing the biotechnology industry; and

(vii) One member representing nonprofit hospitals.

(b) The governor shall select two members of the prescription drug board from a list of nominees submitted by statewide organizations representing consumers, one of whom shall represent individuals under age sixty-five without insurance coverage for prescription drugs and one of whom shall represent individuals over age sixty-five without insurance coverage for prescription drugs; and

(c) The governor shall select two members of the prescription drug board from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses.

(3) The governor shall appoint the initial members of the prescription drug board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the prescription drug board shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The members of the board shall elect a member to serve as chair of the prescription drug board. Meetings of the prescription drug board shall be at the call of the chair.

(4) Members of the prescription drug board are immune from civil liability for any official acts performed in good faith as members of the board.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

The health care authority shall, directly or by contract:

(a) Adopt a preferred drug list for use as provided in this act through the establishment of a pharmacy and therapeutics committee. The preferred drug list shall exclude drugs used to treat mental illness, cancer, the acquired human immunodeficiency virus, and diabetes.

(i) The pharmacy and therapeutics committee shall be comprised of practicing licensed physicians, other practicing licensed health professionals with prescriptive authority, practicing licensed pharmacists, and pharmacoeconomists. At least one licensed health professional with prescriptive authority and one pharmacist must have demonstrated experience in serving women, children, and people of color. The membership composition must be consistent with applicable federal requirements under Title XIX of the federal social security act to allow full participation by the department of social and health services or other state agencies in activities under this act.

(ii) The pharmacy and therapeutics committee shall review nationally recognized therapeutic drug classes. The committee must use an evidence-based process that evaluates the efficacy of prescription drugs, considering safety, efficacy, likelihood of compliance, outcomes, and any unique impacts on specific populations based upon factors such as sex, age, ethnicity, race, or disability. For each therapeutic class reviewed, the committee must identify the prescription drugs determined to be most clinically effective, and if applicable, equally effective. If there is insufficient evidence or no evidence to establish whether a drug is equally effective, cost shall not be the determining factor in identifying a drug for the preferred drug list. Decisions of the pharmacy and therapeutics committee regarding the clinical effectiveness of drugs within a therapeutic class are binding on the authority.

If a substantial number of prescribers in a peer group are frequently prescribing nonpreferred drugs in one or more therapeutic classes, the administrator must provide the pharmacy and therapeutics committee with information on these prescribing patterns to enable the committee to review their decisions related to the affected therapeutic classes.

(iii) State purchased health care programs shall adopt the preferred drug list established by the authority for those components of their programs that purchase prescription drugs directly or through reimbursement of retail pharmacies consistent with the scope of benefits offered through those programs. In administering

prescription drug benefits under state purchased health care programs, agencies shall honor an endorsing prescriber's direction to dispense a prescription drug as written on the prescription order or to continue therapy with the drug classes included in section 13 of this act.

(iv) Within one hundred twenty days following establishment of the pharmacy and therapeutics committee, the drug utilization and education council within the department of social and health services shall be disbanded and its functions transferred to the pharmacy and therapeutics committee.

(v) If a particular class of drugs is being used in a disease management program sponsored by a state purchased health care program, efforts shall be made to ensure that the preferred drugs in that class are consistent with protocols or algorithms used in the disease management program.

(vi) Members of the pharmacy and therapeutics committee are immune from civil liability for any official acts performed in good faith as members of the committee;

(b) Establish drug utilization management policies. State purchased health care programs shall adopt these drug utilization management policies consistent with the scope of benefits offered and populations served through programs administered by that program and may implement the policies directly or by contract or interagency agreement. To ensure full participation by the department of social and health services in drug utilization management activities under this act, the policies must be consistent with drug utilization review requirements of Title XIX of the federal social security act. The pharmacy and therapeutics committee shall conduct drug utilization management activities for state purchased health care programs as directed by the authority;

(c) Develop prescriber and consumer education policies. State purchased health care programs shall adopt these prescriber and consumer policies and implement them directly or by contract or interagency agreement. Effective prescriber education policies are intended to result in better compliance of prescribers with the preferred drug list and increased cost savings. Prescriber education policies should be adequately funded and designed to educate prescribers to prevent use of more expensive prescription drugs of no greater clinical benefit, to increase prescribers' awareness of the preferred drug list and the credible evidence-based process used to develop it, and the ability to direct that prescriptions be dispensed as written;

(d) Adopt policies necessary for establishment of cross-agency prescription drug purchasing activities. The administrator shall implement the prescription drug purchasing policies, and shall coordinate state purchased health care programs' participation. State purchased health care programs shall coordinate the purchase of prescription drugs for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of retail pharmacies, unless exempted under section 14 of this act. The administrator shall explore joint purchasing opportunities with other states to achieve quality cost-effective prescription drug coverage for participating state agencies.

(e) Develop an operating plan for a public/private prescription drug purchasing consortium and present the plan to appropriate committees of the senate and house of representatives by January 1, 2005. The operating plan will go into effect on July 1, 2005 unless the legislature takes official action to modify or prohibit the operating plan. The authority shall provide reports to the legislature on January 1, 2006 and January 1, 2007 on the costs and benefits of the purchasing consortium to participating individuals and private entities.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

Members of the prescription drug board, the pharmacy and therapeutics committee, or any committee that may be established to carry out activities under this act are prohibited from being employed by a pharmaceutical manufacturer, a pharmacy benefits management company, or be employed by any agency administering state purchased health care programs, except as specified in section 3(2)(d), (e), and (f) of this act. As a condition of appointment to the prescription drug board or any committee, each member must disclose any potential conflict of interest, including receipt of any remuneration, grants, or other compensation from a pharmaceutical manufacturer or pharmaceutical benefits management company.

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall:

(1) Directly or by interagency agreement or contract, distribute the initial preferred drug list and any subsequent revisions to every provider with prescriptive authority, including with it a description of how the list was developed, how it will be used, and requesting his or her endorsement;

(2) Obtain in writing from all prescribers either: (a) An affirmative statement endorsing the preferred drug list and acknowledging the therapeutic substitution authority granted to pharmacists when there is no direction to dispense the prescription as written, or (b) a statement declining to endorse the preferred drug list; and

(3) Provide each pharmacy with a listing of the prescribers who have not endorsed the preferred drug list.

**NEW SECTION. Sec. 7.** A new section is added to chapter 74.09 RCW to read as follows:

(1) There is established a program to be known as the senior prescription drug assistance program. To the extent funds are appropriated specifically for this purpose, and subject to any conditions placed on

appropriations made for this purpose, the department shall design and administer the senior prescription drug assistance program. Neither the benefits of, nor eligibility for, the program is considered to be an entitlement.

(2) The department is directed to obtain necessary federal waivers to implement this program. Consistent with federal waiver conditions, the department is authorized to charge enrollment fees, premiums, or point-of-service cost-sharing to enrollees of the program. In addition to seeking a federal waiver, the department shall develop a state-only alternative that does not require federal approval or funding.

(3) Eligibility for this program is limited to persons: (a) Who are age sixty-five and older; (b) whose family income does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; (c) who do not otherwise have insurance that provides prescription drug coverage; and (d) who are not otherwise eligible under Title XIX of the federal social security act.

(4) The department is authorized to use a cost-effective prescription drug benefit design. Consistent with federal waiver conditions, this benefit design can be different than the benefit design offered under the medical assistance program. The benefit design may include a deductible benefit that provides coverage when enrollees incur higher prescription drug costs as defined by the department. The department also may offer more than one benefit design.

(5) The department is authorized to limit enrollment of persons who qualify for the program so as to prevent an overexpenditure of appropriations for this program or to assure necessary compliance with federal waiver budget neutrality requirements. The department shall not reduce existing medical assistance program eligibility or benefits to assure compliance with federal waiver budget neutrality requirements.

(6) No funds from an approved federal waiver that allows for the collection of premiums from medicaid clients will be used to finance the medicaid prescription drug assistance program.

(7) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the social security act.

(8) The department shall provide recommendations to the appropriate committees of the senate and house of representatives by November 15, 2003, on financing options available to support the prescription drug assistance program. In recommending financing options, the department shall explore every opportunity to maximize federal funding to support the program.

**Sec. 8.** RCW 43.72.900 and 2002 c 371 s 909 are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the ~~tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.~~ senior prescription assistance program account established under RCW..... (section 9 of this act).

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, 2002, and every fiscal year thereafter. The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health

care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees. For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

During the 2001-2003 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.79 RCW to read as follows:

The senior prescription drug assistance program account is created in the state treasury. Funds deposited in the account shall be used to support the activities of RCW \_\_\_\_\_(section 7 of this act). Expenditures from the account are subject to appropriation.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall, directly or by interagency agreement or contract, establish and operate a statewide senior prescription drug information clearinghouse. The clearinghouse shall:

(1) Promote access to necessary prescription drugs for persons over age sixty-five who reside in Washington state;

(2) Make information available on a statewide basis regarding private and public programs that provide financial assistance to seniors for the purchase of prescription drugs;

(3) Provide educational information about the preferred drug list and methods to purchase prescription drugs most cost-effectively and efficiently, including information about generic drugs and the potential for dangerous drug interactions; and

(4) Provide individual education and assistance regarding prescription drug financial assistance programs.

Prior to July 1, 2005, the administrator shall provide for an evaluation of the effectiveness and potential continuation of the clearinghouse.

**NEW SECTION. Sec. 11.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator may solicit and accept grants or other funds from public and private sources to support activities under this act, including but not limited to consumer and provider education. Any grants or funds received may be used to enhance these activities as long as program standards established by the administrator are maintained. Except for supplemental rebates, no money from the pharmaceutical industry shall be used to support the activities under this act. Private foundations shall be prohibited from passing through funding from a pharmaceutical manufacturer when it gives the appearance of a conflict of interest or an attempt to exert undue influence on the implementation of this act. The administrator shall report to the appropriate committees of the senate and house of representatives on any grants or funds received under this section within thirty days of their receipt.

**NEW SECTION. Sec. 12.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall contract with an independent entity to evaluate the implementation and impacts of the prescription drug board's activities under this act.

- (1) The evaluation shall assess:
  - (a) The degree to which the program has influenced prescription drug prescribing practices among health care providers in Washington, including a description of how prescribing practices may have changed;
  - (b) The impact of the program on quality of care and clinical outcomes for persons enrolled in state purchased health care programs;
  - (c) The extent to which the program has lessened administrative burdens on health care providers participating in state purchased health care programs;
  - (d) The impact of the program on prescription drug expenditures across state purchased health care programs; and
  - (e) The impact of the program on the utilization of, and expenditures for, other health care services funded by state purchased health care programs.
- (2) The administrator shall make every effort to pursue and obtain federal or private foundation funding for the evaluation from entities such as the federal agency for health care research and quality or the Milbank memorial fund. To ensure that results of the evaluation are objective and unbiased, private foundation funds derived from the pharmaceutical industry may not be used to fund the evaluation.
- (3) The results of the evaluation must be submitted to the governor and the legislature by January 1, 2007.

**NEW SECTION. Sec. 13.** A new section is added to chapter 69.41 RCW to read as follows:  
Any pharmacist filling a prescription under the preferred drug list program established under section 4 of this act shall substitute the preferred drug for any nonpreferred drug in a given therapeutic category, unless:

- (1) The endorsing prescriber has indicated on the prescription that the nonpreferred drug must be dispensed as written; or
- (2) The prescription is for a refill of an antipsychotic, chemotherapy, antiretroviral, or immunosuppressive drug, in which case the pharmacist shall dispense the nonpreferred drug as written. When a substitution is made, on a new prescription or as a result of a change in the preferred drug within a therapeutic class, the prescriber must be notified in writing by the dispensing pharmacist of the specific drug and dose dispensed.

**NEW SECTION. Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:  
Nothing in this act preempts state-owned or managed hospitals licensed under chapter 70.41 RCW from aggregate purchasing through other programs. These hospitals may choose to participate in the preferred drug list program under section 4 of this act if drugs can be obtained at lower cost.

**NEW SECTION. Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:  
This act does not apply to state purchased health care services that are purchased from or through managed care organizations, or group model health maintenance organizations that are accredited by the national committee for quality assurance. The administrator shall exempt those prescribers that practice in a group model health maintenance organization that is accredited by the national committee for quality assurance from the endorsement provisions of section 6 of this act.

**NEW SECTION. Sec. 16.** The therapeutic consultation service operated by the department of social and health services, with the exception of the intensive benefits management and academic detailing components of the program, expires on July 1, 2005. However, the department shall terminate the therapeutic consultation service four brand limit program component earlier if, upon monitoring prescriber compliance with the preferred drug list and trends in the therapeutic consultation service four brand limit program component, the department determines the number of pharmacy claims that trigger the four brand edit exception under therapeutic consultation services is below the threshold set by the legislature in the biennial omnibus operating budget bill for three consecutive months. The threshold is the point where anticipated savings associated with the therapeutic consultation service four brand limit program component no longer justify its operation due to the implementation of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 41.05 RCW to read as follows:  
The health care authority and agencies that administer state purchased health care programs are authorized to adopt rules implementing this act.

**NEW SECTION. Sec. 18.** If specific funding for this act referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 20.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Pflug, Orcutt, DeBolt, Skinner, Clements, Pearson, Delvin, Mastin, Alexander and Pflug (again) spoke in favor of the adoption of the amendment.

Representatives Cody, Conway, Campbell, Hunt and Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (015) to Second Substitute House Bill No. 1214.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (015) to Second Substitute House Bill No. 1214, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representative Sehlin - 1.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Clibborn, Campbell, Schual-Berke, Morrell and Moeller spoke in favor of passage of the bill.

Representative Benson, DeBolt, Schindler and Pflug spoke against the passage of the bill.

### **COLLOQUY**

Representative Pflug: "Is it the intent of Second Substitute House Bill No. 1214 that the meetings of the prescription drug board established in section 3 and of the pharmacy and therapeutics committee established in section 4 of the act be subject to the Open Public Meetings Act?"



Representative Cody: "Yes. The intent of Second Substitute House Bill No. 1214 is that the meetings of the prescription drug board established in section 3 of the act, and the pharmacy and therapeutics committee established in section 4 of the act be subject to the Open Public Meetings Act. However, House Bill No. 1444, currently before the State Government Committee, would clarify the ability of the prescriptions drug board or pharmacy and therapeutics committee to go into executive session to consider proprietary or confidential nonpublished information from a pharmaceutical manufacturer or other vendor."

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1214.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pflug, Schindler, Schoesler, Shabro, Skinner, Sump and Woods - 33.

Excused: Representative Sehlin - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 10, 2003, the 29<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY SIXTH DAY, FEBRUARY 7, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

TWENTY NINTH DAY

---

House Chamber, Olympia, Monday, February 10, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Samantha Carl and Ali Lewis. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

## **RESOLUTION**

HOUSE RESOLUTION NO.2003-4616, by Representatives Veloria, Skinner, Hankins, Talcott and Conway

WHEREAS, Washington is located in the center of today's global economy; and  
WHEREAS, Washington is home to a broad range of diverse industries; and  
WHEREAS, Washington is one of the most livable states in the country; and  
WHEREAS, Washington benefits from a highly skilled work force; and  
WHEREAS, Washington is first in the nation in the creation of new companies; and  
WHEREAS, Washington is first in the nation in digital infrastructure; and  
WHEREAS, Washington is second in the nation for new company job growth; and  
WHEREAS, Washington is third in the nation for small business survival; and  
WHEREAS, Washington is fourth in the nation for research and development; and  
WHEREAS, Washington is one of the most important food producing states in the United States; and  
WHEREAS, Washington is the third largest exporter of food and agricultural products in the United States; and  
WHEREAS, Washington helps feed the world, exporting over thirty percent of its crops; and  
WHEREAS, The Washington wine industry has been recognized as the wine growing region of the world in 2001 and is consistently one of the highest ranked producers of premium wine in the world;  
NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives recognize the broad and diverse businesses in the State of Washington for their entrepreneurial spirit which has helped to make Washington a great place to live and work.

HOUSE RESOLUTION NO. 4616 was adopted.

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

## **SECOND READING**

**HOUSE BILL NO. 1012**, by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway

### **Regarding residential landlord-tenant relationships.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1012 was substituted for House Bill No. 1012 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1012 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Veloria spoke in favor of passage of the bill.

## MOTIONS

On motion of Representative Hinkle, Representatives Mastin, Cox and Boldt were excused. On motion of Representative Santos, Representatives McCoy and Quall were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Boldt, Cox, Mastin, McCoy and Quall - 5.

SUBSTITUTE HOUSE BILL NO. 1012, having received the necessary constitutional majority, was declared passed.

## **HOUSE BILL NO. 1019, by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove**

### **Protecting the identity of electronic toll payers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1019 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon, Haigh and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1019.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1019 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Quall - 4.

SUBSTITUTE HOUSE BILL NO. 1019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1021, by Representatives Nixon and Mielke**

**Eliminating drop-in inspections of campaign accounts.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1021 was substituted for House Bill No. 1021 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1021 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1021.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1021 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Quall - 4.

SUBSTITUTE HOUSE BILL NO. 1021, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1033, and the bill held its place on the Second Reading.

**HOUSE BILL NO. 1063, by Representatives Morrell, Alexander, Dunshee, Lovick, Veloria, Upthegrove, Chase, McDermott, Morris, Schual-Berke, Kenney, Cody and Moeller**

**Concerning projects to be funded by loans from the public works assistance account.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1063 was substituted for House Bill No. 1063 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1063 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell, Alexander and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1063.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1063 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Quall - 4.

SUBSTITUTE HOUSE BILL NO. 1063, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Morrell on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

### **HOUSE BILL NO. 1075, by Representatives Blake, Cairnes and Gombosky**

#### **Clarifying 2001 statutory changes made to forest tax statutes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1075 was substituted for House Bill No. 1075 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1075 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Eickmeyer and Cairnes spoke in favor of passage of the bill.

### **MOTION**

On motion of Representative Santos, Representative Miloscia was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1075.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1075 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Boldt, Cox, McCoy, Miloscia and Quall - 5.

SUBSTITUTE HOUSE BILL NO. 1075, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Blake on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1084, by Representatives Hunter, Benson and Schual-Berke; by request of Insurance Commissioner**

**Regulating automobile insurance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Benson, Schual-Berke, DeBolt, Ruderman and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1084.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1084 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Boldt, Cox, McCoy, Miloscia and Quall - 5.

HOUSE BILL NO. 1084, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Schual-Berke congratulated Representative Hunter on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1101, by Representatives Schoesler, Linville, Grant, Rockefeller, Holmquist, Sump and Mielke; by request of Department of Agriculture**

**Forwarding grain when an emergency storage situation exists.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1101.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1101 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Boldt, Cox, McCoy, Miloscia and Quall - 5.

HOUSE BILL NO. 1101, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1117, by Representatives Linville, Schoesler and Grant; by request of Department of Agriculture**

**Moving a web site address from statute to rule.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1117.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Boldt, Cox, McCoy, Miloscia and Quall - 5.

HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1152, by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin and Anderson; by request of Secretary of State**

#### **Revising funding of the archives division.**

The bill was read the second time.

Representative Haigh moved the adoption of amendment (007):

On page 2, beginning on line 3, strike the entire section through line 12 and insert the following:

"The imaging account is created in the custody of the state treasurer. All receipts collected under RCW 40.14.020(8) for contract imaging, micrographics, reproduction, and duplication services provided by the division of archives and records management must be deposited into the account and expenditures from the account may be used only for these purposes. Only the secretary of state or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

On page 2, beginning on line 15, strike the entire section through line 27 and insert the following:

"The local government archives account is created in the custody of the state treasurer. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account and expenditures from the account may be used only for these purposes. Only the secretary of state or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. However, all fees collected under RCW 36.22.175(3) may be spent only by appropriation."

Representatives Haigh and Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1152.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1152 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Cairnes, Carrell and Mielke - 3.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

ENGROSSED HOUSE BILL NO. 1152, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1154, by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin, Tom, Wallace, Conway and McDermott; by request of Secretary of State**

### **Funding oral history and archives activities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1154.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1154 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

HOUSE BILL NO. 1154, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1242 and HOUSE BILL NO. 1243 and the bills held their places on the Second Reading.

**HOUSE BILL NO. 1246, by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Quall, Upthegrove and Mielke; by request of Commissioner of Public Lands**

**Authorizing the department of natural resources to accept gifts of aquatic land.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1246.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1246 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

HOUSE BILL NO. 1246, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1247, by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Linville, Orcutt, Mielke and Woods; by request of Commissioner of Public Lands**

**Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1247.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1247 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

HOUSE BILL NO. 1247, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1295, by Representatives Morrell, Bailey, Cody, Kenney and Campbell; by request of Department of Health**

#### **Eliminating barriers to initial licensure in health professions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1295 was substituted for House Bill No. 1295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1295 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1295.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1295 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

SUBSTITUTE HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1296, by Representatives Moeller and Pflug; by request of Department of Health**

**Making corrections to the department of health's professional and facilities licensing provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller, Pflug, Cody, Benson, Cooper and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1296.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1296 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Cox, McCoy and Miloscia - 4.

HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Moeller on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

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

**INTRODUCTION & FIRST READING**

HB 1770 by Representatives O'Brien, Sump, Upthegrove, Hinkle, Hatfield, Eickmeyer, Mielke and Simpson

AN ACT Relating to services for children with developmental disabilities; amending RCW 74.13.350; adding a new section to chapter 71A.18 RCW; adding a new section to chapter 71A.12 RCW; creating a new section; and recodifying RCW 74.13.350.

Referred to Committee on Children & Family Services.

HB 1771 by Representatives O'Brien, Berkey, Sump, Upthegrove, Hatfield, Kirby, Armstrong, Mielke, Bush, Woods, Kessler, Rockefeller, Campbell, Hudgins and Simpson

AN ACT Relating to providing for financial restitution to victims of sexual assault from inmate funds and wages; and amending RCW 72.09.111 and 7.68.070.

Referred to Committee on Criminal Justice & Corrections.

HB 1772 by Representatives Hunt, Schoesler, Linville, Armstrong, Sump, Newhouse, Mastin, Delvin, Grant, Eickmeyer, Mielke and Rockefeller

AN ACT Relating to eligibility to be a director of a cooperative association; and amending RCW 23.86.080.

Referred to Committee on Judiciary.

HB 1773 by Representatives Blake, Bush, Morris and Crouse

AN ACT Relating to tariffs of local exchange companies; amending RCW 80.04.530; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1774 by Representatives Cox, Schoesler, Delvin, Armstrong, Mielke and McMahan

AN ACT Relating to the minimum hourly wage; amending RCW 49.46.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1775 by Representatives Crouse, Morris and Upthegrove

AN ACT Relating to establishing a joint task force to examine the operational, economic, and regulatory obstacles to renewable resources development; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1776 by Representatives Shabro, Priest, McDonald, Kirby, Schual-Berke, Lantz, Roach, Miloscia, Wallace, Schindler and Darneille

AN ACT Relating to prohibiting a secure community transition facility from being sited within thirty miles of another secure community transition facility; amending RCW 71.09.342; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1777 by Representatives Morrell, DeBolt, Cody, Benson, Sullivan, Woods, Pettigrew, McDonald, Wallace, Priest, Simpson, Roach, Grant, Hinkle, Santos, Jarrett, Hunt, Blake, Dunshee, Conway, Kirby, Hankins, Clibborn, Linville, Kagi, Kessler, Kenney, Schual-Berke, Darneille, Rockefeller, Wood, Lovick, Campbell, McDermott and Hudgins

AN ACT Relating to implementing the collective bargaining agreement between the home care quality authority and individual home care providers; amending RCW 70.47.020, 70.47.060, and 70.47.100; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1778 by Representatives Haigh, Bailey, Wallace, Ericksen, Bush, Sehlin, Campbell and Simpson

AN ACT Relating to branch of service license plates; amending RCW 46.16.290, 46.16.313, and 46.16.316; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1779 by Representatives Edwards, Skinner, Schual-Berke, Rockefeller and Santos

AN ACT Relating to fairness and protection in boarding homes and adult family homes; amending RCW 18.20.020, 18.20.050, 18.20.110, 18.20.115, 18.20.120, 18.20.125, 18.20.185, 18.20.190, 18.20.195, 70.128.060, 70.128.080, 70.128.090, 70.128.160, 74.39A.009, 74.39A.050, 74.39A.060, and 74.39A.080; reenacting and amending RCW 18.20.010 and 70.128.010; and prescribing penalties.

Referred to Committee on Health Care.

HB 1780 by Representatives Cooper, Jarrett, Simpson and Hankins

AN ACT Relating to overweight vehicle permits; amending RCW 46.44.0941; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1781 by Representatives Chandler, Clements, Schindler, Schoesler, Kristiansen, Ahern, Sehlin, Bailey, Woods, Talcott, Holmquist and McMahan

AN ACT Relating to creating a competitive industrial insurance system; adding a new chapter to Title 49 RCW; creating a new section; repealing RCW 51.04.010, 51.04.020, 51.04.030, 51.04.040, 51.04.050, 51.04.060, 51.04.070, 51.04.080, 51.04.082, 51.04.085, 51.04.090, 51.04.100, 51.04.105, 51.04.110, 51.04.120, 51.04.130, 51.04.140, 51.08.010, 51.08.012, 51.08.013, 51.08.014, 51.08.015, 51.08.018, 51.08.020, 51.08.030, 51.08.040, 51.08.050, 51.08.060, 51.08.070, 51.08.095, 51.08.100, 51.08.110, 51.08.140, 51.08.142, 51.08.150, 51.08.160, 51.08.173, 51.08.175, 51.08.177, 51.08.178, 51.08.180, 51.08.185, 51.08.195, 51.12.010, 51.12.020, 51.12.025, 51.12.035, 51.12.045, 51.12.050, 51.12.060, 51.12.070, 51.12.080, 51.12.090, 51.12.095, 51.12.100, 51.12.102, 51.12.110, 51.12.120, 51.12.130, 51.12.140, 51.12.150, 51.12.160, 51.12.170, 51.14.010, 51.14.020, 51.14.030, 51.14.040, 51.14.050, 51.14.060, 51.14.070, 51.14.073, 51.14.077, 51.14.080, 51.14.090, 51.14.095, 51.14.100, 51.14.110, 51.14.120, 51.14.130, 51.14.140, 51.14.150, 51.14.160, 51.16.035, 51.16.040, 51.16.042, 51.16.060, 51.16.070, 51.16.090, 51.16.100, 51.16.105, 51.16.110, 51.16.120, 51.16.130, 51.16.140, 51.16.150, 51.16.155, 51.16.160, 51.16.170, 51.16.180, 51.16.190, 51.16.200, 51.16.210, 51.18.005, 51.18.010, 51.18.020, 51.18.030, 51.18.040, 51.18.050, 51.18.060, 51.18.900, 51.24.020, 51.24.030, 51.24.035, 51.24.040, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.24.100, 51.24.110, 51.24.120, 51.24.900, 51.24.902, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.040, 51.28.050, 51.28.055, 51.28.060, 51.28.070, 51.28.080, 51.28.090, 51.32.010, 51.32.015, 51.32.020, 51.32.025, 51.32.030, 51.32.040, 51.32.045, 51.32.050, 51.32.055, 51.32.060, 51.32.067, 51.32.072, 51.32.073, 51.32.075, 51.32.080, 51.32.090, 51.32.095, 51.32.098, 51.32.100, 51.32.110, 51.32.112, 51.32.114, 51.32.120, 51.32.130, 51.32.135, 51.32.140, 51.32.150, 51.32.160, 51.32.180, 51.32.185, 51.32.190, 51.32.195, 51.32.200, 51.32.210, 51.32.215, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.32.260, 51.32.300, 51.32.350, 51.32.360, 51.32.370, 51.36.010, 51.36.015, 51.36.020, 51.36.030, 51.36.040, 51.36.050, 51.36.060, 51.36.070, 51.36.080, 51.36.085, 51.36.090, 51.36.100, 51.36.110, 51.36.120, 51.36.130, 51.44.010, 51.44.020, 51.44.030, 51.44.033, 51.44.040, 51.44.050, 51.44.060, 51.44.070, 51.44.080, 51.44.090, 51.44.100, 51.44.110, 51.44.120, 51.44.140, 51.44.150, 51.44.160, 51.44.170, 51.48.010, 51.48.017, 51.48.020, 51.48.025, 51.48.030, 51.48.040, 51.48.050,

51.48.060, 51.48.080, 51.48.090, 51.48.100, 51.48.103, 51.48.105, 51.48.110, 51.48.120, 51.48.131, 51.48.140, 51.48.150, 51.48.160, 51.48.170, 51.48.180, 51.48.190, 51.48.200, 51.48.210, 51.48.220, 51.48.230, 51.48.240, 51.48.250, 51.48.260, 51.48.270, 51.48.280, 51.48.290, 51.52.010, 51.52.020, 51.52.030, 51.52.040, 51.52.050, 51.52.060, 51.52.070, 51.52.080, 51.52.090, 51.52.095, 51.52.100, 51.52.102, 51.52.104, 51.52.106, 51.52.110, 51.52.112, 51.52.113, 51.52.115, 51.52.120, 51.52.130, 51.52.132, 51.52.135, 51.52.140, 51.52.150, 51.52.160, 51.52.200, 51.98.010, 51.98.020, 51.98.030, 51.98.050, 51.98.060, 51.98.070, and 51.98.080; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1782 by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson and Hudgins

AN ACT Relating to capital projects for local nonprofit youth organizations; adding a new section to chapter 43.63A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1783 by Representatives Darneille, Fromhold, Morrell, Santos, Chase, Moeller, Sullivan, Wallace, Kenney, Campbell and Simpson

AN ACT Relating to insurance coverage for colorectal cancer early detection; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1784 by Representatives Darneille, Upthegrove, Chase, Linville, Wallace, Kagi, Kessler, Kenney, Schual-Berke, Wood, Dickerson, Santos, Simpson and Morrell

AN ACT Relating to improving coordination of services for children's mental health; amending RCW 71.36.020; adding a new section to chapter 71.36 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1785 by Representatives Cody, Pflug, Skinner, Schual-Berke and Dickerson

AN ACT Relating to disclosure of client information by mental health counselors, marriage and family therapists, and social workers; and adding a new section to chapter 18.225 RCW.

Referred to Committee on Health Care.

HB 1786 by Representatives Veloria and Santos

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.

Referred to Committee on Trade & Economic Development.

HB 1787 by Representatives Pettigrew, Boldt, Moeller, Miloscia, Jarrett, Priest, Dickerson and Santos

AN ACT Relating to health and human services and information referral; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1788 by Representatives Miloscia, Armstrong and Haigh

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW.

Referred to Committee on State Government.

HB 1789 by Representatives Blake, Priest and Dunshee

AN ACT Relating to capital budget project savings; amending RCW 43.88.110, 43.88.145, and 43.88.160; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1790 by Representatives O'Brien and Boldt

AN ACT Relating to establishing the lead poisoning prevention act; adding a new chapter to Title 64 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1791 by Representatives Moeller, Jarrett, Kagi, Lovick, Chase, Murray, Dickerson, Ruderman, Dunshee, Lantz, Clibborn, McIntire, Kenney, Darneille, McDermott and Hudgins

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1792 by Representatives Moeller, Flannigan, Fromhold, Jarrett, Darneille, Upthegrove, Kagi and Kessler

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

HB 1793 by Representative Wood

AN ACT Relating to simulcast horse racing; and amending RCW 67.16.010 and 67.16.200.

Referred to Committee on Commerce & Labor.

HB 1794 by Representatives Rockefeller, Lovick, Moeller, Kirby and Wallace

AN ACT Relating to implied consent for a blood or breath test of a person involved in a motor vehicle accident; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

HB 1795 by Representatives Morrell and Campbell

AN ACT Relating to dental care; and adding a new section to chapter 48.01 RCW.



Referred to Committee on Health Care.

HB 1796 by Representatives Murray, Hankins, Dunshee, Anderson, Lantz, Eickmeyer, McIntire, Kagi, Conway, Kenney, Schual-Berke, Wood, Lovick and Santos

AN ACT Relating to funding driver's education for low-income students; amending RCW 28A.220.040; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1797 by Representatives Chandler, Holmquist, Condotta, Crouse, Schoesler, Ahern, Sehlin, Bailey and Woods

AN ACT Relating to claims for hearing loss due to occupational noise exposure; and amending RCW 51.28.055.

Referred to Committee on Commerce & Labor.

HB 1798 by Representatives Chandler, Holmquist, Crouse, Condotta, Schindler, Schoesler, Kristiansen, Ahern, Sehlin, Bailey, Woods and Dickerson

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1799 by Representatives Chandler, Holmquist, Crouse, Condotta, Mielke, Schindler, Schoesler, Kristiansen, Ahern, Pearson, Sehlin, Bailey, Woods and McMahan

AN ACT Relating to false industrial insurance claims; amending RCW 51.48.020 and 51.48.270; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1800 by Representatives Romero, Mielke, Hunt, Bush, Moeller, Quall and Dickerson

AN ACT Relating to parking infractions; amending RCW 46.63.030, 46.63.060, 46.63.070, 46.20.270, 19.16.500, and 19.182.040; reenacting and amending RCW 3.02.045, 19.16.250, 19.16.250, and 19.16.100; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1801 by Representatives Moeller, Clements and Wood

AN ACT Relating to annexation by cities and towns based on utility service; amending RCW 35.13.180, 35A.14.300, and 64.06.020; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

HB 1802 by Representatives Clements, Moeller, Wallace, Quall, Linville and Hudgins

AN ACT Relating to fiscal impact of initiatives; amending RCW 29.30.081, 29.79.075, 29.79.300, 29.81.250, 29.81.310, 42.17.130, 42.52.180, and 43.07.030; adding new sections to chapter 29.79 RCW; and providing a contingent effective date.

Referred to Committee on State Government.

HB 1803 by Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson; by request of Commissioner of Public Lands

AN ACT Relating to the creation of the legacy trust for recreation and conservation; amending RCW 43.30.115, 79.66.070, and 82.29A.040; reenacting and amending RCW 84.33.140 and 84.34.108; adding a new chapter to Title 79 RCW; repealing RCW 84.33.120; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1804 by Representatives Dickerson, Tom, Quall, Kagi, Linville, McDermott, Kirby, Kenney, Schual-Berke, Wood and Simpson

AN ACT Relating to early intervention services for children with disabilities; and amending RCW 28A.155.070.

Referred to Committee on Children & Family Services.

HB 1805 by Representatives O'Brien, Nixon, Kagi, Tom, Sommers and Clibborn

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

Referred to Committee on Judiciary.

HB 1806 by Representatives Romero, Cooper and Lovick

AN ACT Relating to regulation of motor vehicle bumpers; amending RCW 46.37.513; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1807 by Representatives Talcott, Moeller, Tom, Anderson, Schindler, Ahern and Holmquist

AN ACT Relating to student achievement and accountability; amending RCW 28A.165.030, 28A.165.060, 28A.165.070, 28A.505.120, 28A.505.210, and 28A.655.030; adding new sections to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HJM 4012 by Representatives Miloscia, Delvin, Dickerson, Boldt, Chase, Moeller, Edwards, Haigh, Pettigrew, Benson, Veloria, Kagi and Schual-Berke

Encouraging counties and local governments to establish a Children's Advocacy Center.

Referred to Committee on Children & Family Services.

HJR 4208 by Representatives Moeller, Clements, Linville, Veloria, Wood, Dickerson and Hudgins

Amending the Constitution to require fiscal responsibility of initiatives.

Referred to Committee on State Government.

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

### REPORTS OF STANDING COMMITTEES

February 6, 2003

HB 1045 Prime Sponsor, Representative Miloscia: Modifying water-sewer district bidding provisions.  
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 5, 2003

HB 1145 Prime Sponsor, Representative Eickmeyer: Changing provisions relating to the placement of juveniles under the age of eighteen who have been convicted as adults. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Referred to Committee on Appropriations.

February 6, 2003

HB 1148 Prime Sponsor, Representative Dickerson: Adopting the revised interstate compact for juveniles. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 1, after line 6, insert the following:

#### "EXECUTION OF THE COMPACT

The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows. No provision of this compact will interfere with this state's authority to determine policy regarding juvenile offenders and non-offenders within this state."

On page 18, after line 33, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 13.24 RCW to read as follows:  
Pursuant to said compact, the governor is hereby authorized and empowered to designate a state council as required in Article IX of the compact."

Renumber the remaining sections consecutively.

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell and Hinkle.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1164 Prime Sponsor, Representative Kessler: Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the

methods of delivery in the practice of optometry. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Edwards and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1170 Prime Sponsor, Representative Romero: Limiting restrictions on residential day-care facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1189 Prime Sponsor, Representative Alexander: Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1227 Prime Sponsor, Representative Pflug: Concerning promotional contests of chance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1367 Prime Sponsor, Representative Rockefeller: Authorizing the legislative accountability board to conduct expanded performance reviews. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1376 Prime Sponsor, Representative Romero: Exempting the use of certain water storage facilities from the water code permitting requirements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Hunt; Kristiansen; McDermott; Orcutt and Quall.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1367 which was held on fifth order.

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

There being no objection, the House adjourned until 9:55 a.m., February 11, 2003, the 30<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

TWENTY NINTH DAY, FEBRUARY 10, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**THIRTIETH DAY**

---

House Chamber, Olympia, Tuesday, February 11, 2003

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

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

**MESSAGE FROM THE SENATE**

February 10, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**RESOLUTIONS**

HOUSE RESOLUTION NO.2003-4614, by Representatives Skinner, Eickmeyer, Shabro, Linville, Morris, Chandler, Lantz, Priest, Anderson, Lovick, Newhouse, Wallace, Clements,

McDonald, Delvin, Bailey, Schual-Berke, Rockefeller, Kessler, Holmquist, Roach, Nixon, Cox, Ahern, Campbell, Schindler, Hankins, Mastin, Mielke, Woods, McMahan, Grant, Boldt, Orcutt, Carrell, Ruderman, Pearson, Ericksen, Talcott, Tom, Kagi, Veloria, Sullivan, Hunter, McIntire, Hudgins, Hunt, Cody, Quall, Edwards, Simpson, Murray and Upthegrove

WHEREAS, The Arts, including quality literary, performing, and visual Arts, nurture the advancement of our culture, offer personal fulfillment, promote mutual understanding, and generate jobs throughout the State of Washington; and

WHEREAS, The Arts play an essential role in maintaining the cultural, social, and economic vitality of the State of Washington and are an essential key to ensuring the future success of cultural tourism and the jobs that are created and enhanced by attracting audiences from across the nation and the world to the Northwest to enjoy and appreciate our Arts; and

WHEREAS, The Arts contribute to the economic development of our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, Art walks, craft fairs, and concerts; and

WHEREAS, The Arts industry informs and educates the public about the Arts as a vital component of Washington State's well-being, and encourages artistic and economic growth; and

WHEREAS, The Governor has proclaimed February 11, 2003, as ARTS DAY 2003;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Arts, Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state, for the cultural, social, and economic benefits they bring to the State of Washington and encourage all our citizens to join in celebrating the vitality and contributions of the Arts throughout our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Arts Commission on behalf of all the Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state.

HOUSE FLOOR RESOLUTION NO. 4614 was adopted.

HOUSE RESOLUTION NO.2003-4615, by Representatives Lovick, Miloscia, Haigh, Dickerson, Dunshee, Chase, O'Brien, Hinkle, Pettigrew, Cooper, Kirby, Berkey, Edwards, Lantz, Wallace, Morrell, Kessler, Clibborn, Moeller, Delvin, Skinner, Wood, Sullivan, Eickmeyer, Hudgins and Simpson

WHEREAS, Ann Rule has earned distinction as one of the most respected writers of true crime stories in America; and

WHEREAS, She is an authority on the subject due to her extensive background in law enforcement and the criminal justice system; and

WHEREAS, She was once a Seattle police officer and also worked as a caseworker for the Washington State Department of Public Assistance; and

WHEREAS, She comes from a long line of law enforcement professionals in her family; and

WHEREAS, She has helped educate countless state law enforcement professionals on high-profile crimes and law enforcement issues; and

WHEREAS, She has donated many hours of her time by speaking at fund-raising events and training seminars held by charitable groups and law enforcement organizations; and

WHEREAS, She has contributed to the community in other ways, including speaking to endless numbers of community groups, professional organizations, and conferences; and

WHEREAS, She has assisted Congress in many ways, including testifying as an expert witness in front of legislative committees; and

WHEREAS, She has published more than 1,000 articles on true crime cases, and 19 of her books have been on the New York Times bestseller list; and

WHEREAS, She won the Governor's award for her 1980 book *The Stranger Beside Me*; and

WHEREAS, Her most recent books, *Every Breath You Take* and *Last Dance, Last Chance*, have reached number one on the New York Times bestseller list; and

WHEREAS, In addition to being one of the foremost authors of crime writing in America, she has raised four children of her own and one foster child even after the passing of her husband; and

WHEREAS, She graduated from the University of Washington and currently lives in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize all the contributions Ann Rule has made in the area of crime prevention and awareness through her literary contributions; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ann Rule.

HOUSE FLOOR RESOLUTION NO. 4615 was adopted.

### **INTRODUCTION & FIRST READING**

HB 1808 by Representatives Kenney, Cox, Fromhold, Priest, Berkey, Jarrett, Gombosky, Morrell, Chase, McCoy and Lantz

AN ACT Relating to establishing standards of review in order to change lines of instruction at research universities; amending RCW 28B.10.115; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 1809 by Representatives Murray, Hankins, Grant, Mastin, McDermott, Jarrett, Linville, Upthegrove, Quall, Moeller, Tom, Kessler, Lovick, Hunter, Schual-Berke, Ruderman, Dickerson, Santos, Hudgins, Haigh, Hunt, Pettigrew, Rockefeller, Simpson, Cody and Kenney; by request of Governor Locke

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

Referred to Committee on State Government.

HB 1810 by Representatives Cairnes, Carrell, Boldt, Benson, Roach, Holmquist, Bush, Mielke, Ahern, Buck, McMahan and Campbell

AN ACT Relating to recognizing concealed weapon licenses issued by other states; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 1811 by Representatives Hunter, Talcott, Haigh, Jarrett, Cox, Tom, Rockefeller, Schual-Berke, Miloscia, Quall, McDermott, Grant, Bailey, Nixon, Santos, Hunt and Clibborn

AN ACT Relating to studying the education finance system; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1812 by Representatives Hunter, Tom, Anderson, Fromhold, Rockefeller, Ruderman, Jarrett, McDermott, Clibborn, Murray, Quall, Grant, Nixon, Moeller and Santos

AN ACT Relating to school districts' levy bases; amending RCW 84.52.0531; adding a new section to chapter 84.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1813 by Representatives Miloscia, Boldt, Linville, Edwards, Romero, Cody, McDermott, Haigh, Hunt, Moeller, Ruderman, Santos, Rockefeller, Simpson, Conway, Wood and Kenney

AN ACT Relating to employment opportunities for people with disabilities; amending RCW 43.19.520, 43.19.525, and 43.19.530; adding new sections to chapter 43.19 RCW; adding new sections to chapter 50.40 RCW; and providing expiration dates.

Referred to Committee on State Government.

HB 1814 by Representatives Fromhold, Mielke, Boldt and Moeller

AN ACT Relating to studying low-income rent vouchers; and creating a new section.

Referred to Committee on Local Government.

HB 1815 by Representatives Schual-Berke and Benson

AN ACT Relating to defining security account under the uniform transfer on death security registration act; and amending RCW 21.35.005.

Referred to Committee on Financial Institutions & Insurance.

HB 1816 by Representatives Lantz and Carrell

AN ACT Relating to garnishments; amending RCW 6.27.020, 6.27.070, 6.27.100, 6.27.130, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.250, 6.27.265, 6.27.320, 6.27.340, 6.27.350, and 3.62.060; and reenacting and amending RCW 6.27.040.

Referred to Committee on Judiciary.

HB 1817 by Representatives Ruderman, Nixon, Kessler, Dunshee and Murray

AN ACT Relating to alteration of health care information in medical records; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health Care.

HB 1818 by Representatives Ruderman, Nixon, Sullivan, Jarrett, Kessler, Simpson, Hudgins, Dunshee, Priest, Moeller, Hunt, Rockefeller, Linville and McDermott

AN ACT Relating to use of high-occupancy vehicle lanes by vehicles with low emissions; amending RCW 46.61.165, 47.52.025, and 81.100.020; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1819 by Representatives Grant and Chandler

AN ACT Relating to establishing an adjusted minimum tipped wage rate; amending RCW 49.46.020; adding a new section to chapter 49.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1820 by Representatives Pettigrew, Kagi, Santos and Kenney

AN ACT Relating to the provision of shelter to a minor; amending RCW 13.32A.082; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.



HB 1821 by Representatives Sullivan, Ahern, O'Brien, Nixon, Hunt and Wood

AN ACT Relating to the regulation of sweepstakes; amending RCW 19.170.010, 19.170.020, and 19.170.050; adding new sections to chapter 19.170 RCW; creating a new section; and repealing RCW 19.170.030 and 19.170.040.

Referred to Committee on Commerce & Labor.

HB 1822 by Representatives Lantz, Delvin, O'Brien, Armstrong, Cairnes and Darneille

AN ACT Relating to changing the number of district court judicial positions; and amending RCW 3.34.020, 3.34.100, 3.38.020, and 3.38.040.

Referred to Committee on Judiciary.

HB 1823 by Representatives Upthegrove, Schual-Berke and Miloscia

AN ACT Relating to voiding an election; and amending RCW 42.17.390.

Referred to Committee on State Government.

HB 1824 by Representatives Pettigrew, Miloscia, Kagi, Darneille and Schual-Berke

AN ACT Relating to developing criteria to ensure quality control in research-based treatment programs for juveniles; and creating new sections.

Referred to Committee on Juvenile Justice & Family Law.

HB 1825 by Representatives Kagi, Schual-Berke, Fromhold, O'Brien, Lantz, Conway, Kenney, Linville, Moeller, Santos and Simpson

AN ACT Relating to newborn hearing screening; adding a new section to chapter 70.83 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1826 by Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson and Conway

AN ACT Relating to trafficking in persons; amending RCW 9A.82.090, 9A.82.100, and 9A.82.120; and reenacting and amending RCW 9A.82.010.

Referred to Committee on Criminal Justice & Corrections.

HB 1827 by Representatives Moeller, Skinner, Fromhold, Schoesler, Romero, Sullivan, Hankins, Hunt, Morrell, Delvin, Cox, Kenney, Hinkle, Linville, Wood, Cody, Dunshee, Schual-Berke, Sehlin and Simpson

AN ACT Relating to provision of meningococcal immunization information to first-time students by degree-granting postsecondary educational institutions; adding a new section to chapter 70.54 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1828 by Representatives Schual-Berke, Pflug, Cody, Hankins, Linville, Skinner, Cooper, Alexander, Ruderman, Delvin, McDermott, Ericksen, Campbell, Santos, Haigh, Quall, Upthegrove, Simpson, Hatfield, Kessler, Conway and Kenney

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.02 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1829 by Representatives Bailey, Sehlin, Talcott, Kristiansen, Clements, Tom, Pearson, McMahan, Benson, Woods and Pflug

AN ACT Relating to postretirement employment in the public employees' retirement system and the teachers' retirement system; amending RCW 41.32.010, 41.32.570, 41.40.010, and 41.40.037; repealing 2001 c 317 s 1; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1830 by Representatives Conway, Wood, Cooper, Moeller, Kirby and Simpson

AN ACT Relating to basic health plan and medicaid coverage of employed individuals; amending RCW 70.47.060; adding a new section to chapter 74.09 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 1831 by Representatives Haigh, Hunt and Miloscia

AN ACT Relating to hearings conducted by the secretary of state; amending RCW 43.07.030, 42.17.130, and 42.52.180; adding a new section to chapter 43.07 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1832 by Representatives Conway, Chandler, Wood, Kenney and Condotta; by request of Employment Security Department

AN ACT Relating to correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes; and amending RCW 50.29.025.

Referred to Committee on Commerce & Labor.

HB 1833 by Representatives Kagi, Conway and Simpson

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.20.170 and 50.04.020; adding a new section to chapter 50.04 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1834 by Representatives Chandler, Grant, Crouse, Holmquist and O'Brien

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072,

51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

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

## REPORTS OF STANDING COMMITTEES

February 7, 2003

HB 1005 Prime Sponsor, Representative Morris: Creating the joint task force on long-term energy supply. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

February 7, 2003

HB 1072 Prime Sponsor, Representative Haigh: Increasing options in ethics investigations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1076 Prime Sponsor, Representative Lovick: Revising provisions relating to attempting to elude a pursuing police vehicle. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1090 Prime Sponsor, Representative Veloria: Extending the task force against trafficking of persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1108 Prime Sponsor, Representative Chase: Establishing penalties for harming a police horse. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1118 Prime Sponsor, Representative O'Brien: Allowing local option penalties for public drinking. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1119 Prime Sponsor, Representative Ruderman: Regulating mail to constituents. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1153 Prime Sponsor, Representative Haigh: Managing confidential records. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1156 Prime Sponsor, Representative Miloscia: Requiring timely mailing of ballots. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1172 Prime Sponsor, Representative Romero: Reducing signatures required for an initiative to the legislature. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1175 Prime Sponsor, Representative Veloria: Prohibiting trafficking in persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1213 Prime Sponsor, Representative Haigh: Eliminating boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1231 Prime Sponsor, Representative Romero: Providing for direct petition annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1286 Prime Sponsor, Representative Ruderman: Regarding promotional service offerings. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1367 Prime Sponsor, Representative Rockefeller: Authorizing the legislative accountability board to conduct expanded performance reviews. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

February 7, 2003

HB 1403 Prime Sponsor, Representative Kenney: Changing exceptional faculty award grants. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 1, line 13, strike "Institutions" and insert "~~(Institutions)~~ When they can match the state funds with equal cash donations from private sources, institutions"

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

February 7, 2003

HJR 4200 Prime Sponsor, Representative Carrell: Amending the Constitution to allow extended levies for law enforcement purposes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Finance.

February 7, 2003

HJR 4201 Prime Sponsor, Representative Romero: Reducing signatures required for an initiative to the legislature. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1367 which was held on fifth order.

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

There being no objection, the House adjourned until 10:00 a.m., February 12, 2003, the 31<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTIETH DAY, FEBRUARY 11, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**THIRTY FIRST DAY**

---

House Chamber, Olympia, Wednesday, February 12, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Hatfield presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Roger Plenefisch and Kiffani Iverson. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

## **RESOLUTION**

HOUSE RESOLUTION NO.2003-4617, by Representatives Chandler, Clements, Delvin, Conway, Hankins, Newhouse, Skinner, Sump, Condotta, Hinkle Armstrong and Holmquist

WHEREAS, Apples have been the leading crop, in terms of revenue generation, in Washington State for twelve of the past thirteen years; and

WHEREAS, Pears grown in the Northwest account for 90 percent of the nation's fresh winter pears; and

WHEREAS, With roughly 100,000 tons produced annually, more sweet cherries are grown in Washington than any other state in the union; and

WHEREAS, The Washington tree fruit industry adds approximately 53,000 jobs to the state economy annually, which generates roughly 356 million dollars in wages for Washington workers; and

WHEREAS, Over a third of all apples grown in Washington are exported out of state, with a significant portion going to Mexico and Taiwan via the ports of Seattle and Tacoma; and

WHEREAS, Washington tree fruit is sold in all 50 states and more than 40 countries around the world; and

WHEREAS, Washington tree fruit producers have been at the forefront of developing the latest technologies in mating disruption and IPM techniques in their orchards to combat pests; and

WHEREAS, Washington tree fruit producers are outstanding representatives of the agricultural profession in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives call upon the people of Washington to recognize the men and women in the state who have helped make Washington's tree fruit industry competitive in today's global economy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to James M. Hazen, Executive Director of the Washington State Horticultural Association.

HOUSE RESOLUTION NO. 4617 was adopted.

## **MESSAGES FROM THE SENATE**

February 11, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5044,  
ENGROSSED SENATE BILL NO. 5255,  
ENGROSSED SENATE BILL NO. 5256,  
ENGROSSED SENATE BILL NO. 5257,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

## **INTRODUCTION & FIRST READING**

HB 1835 by Representatives Linville, Ericksen, Kagi, Chase and Quall

AN ACT Relating to school day requirements for graduating seniors; and amending RCW 28A.150.220.

Referred to Committee on Education.

HB 1836 by Representatives Darneille, Upthegrove, Chase, Linville, Moeller, Sullivan, Santos, Flannigan, Pettigrew, Wood, Dickerson, Kagi, Lantz and Mielke

AN ACT Relating to legal financial obligations; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

HB 1837 by Representatives Linville, Cody, Haigh, Schual-Berke, Santos, Morrell, Veloria and Chase

AN ACT Relating to providing flexibility for fire protection districts; and amending RCW 52.02.020.

Referred to Committee on Health Care.

HB 1838 by Representatives Dickerson, Romero, Kenney, Kagi, Moeller, Chase and Santos

AN ACT Relating to providing access to a telephonic reading service for blind or visually handicapped persons in the state of Washington; amending RCW 74.18.020; adding a new section to chapter 74.18 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1839 by Representatives Cooper, Hankins, Wood, Rockefeller, Romero, Schindler, Woods, Delvin, Skinner, Lovick, Santos, Grant and Chase

AN ACT Relating to transportation funding; amending RCW 46.68.080, 82.38.080, and 82.08.0255; adding a new section to chapter 82.08 RCW; repealing RCW 82.36.029; repealing 1998 c 115 s 5 (uncodified); and providing an effective date.

Referred to Committee on Transportation.

HB 1840 by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom

AN ACT Relating to authorizing nonprofit corporations to participate in self-insurance risk pools; and amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.061, 48.62.071, 48.62.081, 48.62.091, 48.01.050, and 24.03.035.

Referred to Committee on Financial Institutions & Insurance.

HB 1841 by Representatives Kagi, Boldt, O'Brien, McIntire, Hunt, Schual-Berke, Shabro, Cooper, Linville, Pettigrew, Upthegrove, Moeller, Darneille, Miloscia, Dickerson, Clements, Armstrong, Orcutt, Fromhold, Delvin, Roach, Kenney, Haigh, Lovick, Chase, Santos and Hudgins

AN ACT Relating to the funding of prevention and early intervention services; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.121 RCW; and creating new sections.



Referred to Committee on Children & Family Services.

HB 1842 by Representatives Schual-Berke, Benson, Lovick, Bush, Simpson, Morrell and McIntire

AN ACT Relating to the financial fraud alert act; adding a new chapter to Title 30 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1843 by Representatives Benson, Schual-Berke, Moeller, Bush, Simpson, Mielke and Rockefeller

AN ACT Relating to crimes involving drivers' licenses and identicards; amending RCW 46.20.0921; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1844 by Representatives Schual-Berke, Benson, Simpson, Morrell, McIntire, Mielke, Hudgins, Rockefeller and Bush

AN ACT Relating to possession of instruments or equipment of financial fraud; amending RCW 9A.56.280, 9A.56.290, and 9A.60.020; reenacting and amending RCW 9A.82.010, 9.94A.515, and 9.94A.515; adding new sections to chapter 9A.56 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1845 by Representatives Newhouse, Schual-Berke, Benson, Kirby, Linville, Moeller, Chase, Bush, Upthegrove, Veloria, McIntire, Skinner, Mielke and Rockefeller

AN ACT Relating to exempting bank account, social security, and credit card numbers from public disclosure; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on State Government.

HB 1846 by Representatives Schual-Berke, Benson, Chase, Bush, Simpson, Morrell and McIntire

AN ACT Relating to fraudulent use of a credit card scanning device; amending RCW 9A.56.280 and 9A.56.290; reenacting and amending RCW 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1847 by Representatives Hunter, Benson, Schual-Berke, Kenney, Moeller, Bush, Darneille, Morrell and Rockefeller

AN ACT Relating to identifying users of credit and debit cards; adding a new section to chapter 19.192 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1848 by Representatives Conway and Chandler

AN ACT Relating to exempting certain medical devices from electrical licensing requirements; and amending RCW 19.28.371.

Referred to Committee on Commerce & Labor.

HB 1849 by Representatives Bailey, Cody, Pflug, Morris, Skinner, McDonald, Ruderman, Pearson, Ahern, Schindler, Kagi, Kristiansen, Morrell, Orcutt, Darneille, Benson, Wood, Pettigrew, Newhouse, Clements, O'Brien, Linville, Moeller, Chase, Tom, Alexander, Talcott, Rockefeller, Woods and Anderson

AN ACT Relating to creating a list of health care providers willing to serve as volunteer resources; adding a new section to chapter 18.122 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1850 by Representatives Schual-Berke, Pflug, Carrell, Ahern, Chandler, Cox, Alexander, Talcott, Schindler, Mastin, DeBolt, Holmquist and Woods

AN ACT Relating to limiting noneconomic damages in actions under chapter 7.70 RCW; amending RCW 4.56.250; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1851 by Representatives Schual-Berke, Campbell, Cody, Benson, Sommers, Kenney, Moeller, Santos, Morrell, Lantz and Rockefeller

AN ACT Relating to credits against medical malpractice insurance rates for patient safety activities; adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1852 by Representatives Schual-Berke, Conway, Cox, Cody, Kenney, Pflug, Clements, O'Brien, Chase, Morrell, Veloria and Skinner

AN ACT Relating to facilitating collaboration among health care work force stakeholders to address the health care personnel shortage; amending RCW 28B.115.070 and 28B.115.090; adding a new section to chapter 28C.18 RCW; creating a new section; and repealing RCW 28B.125.005, 28B.125.010, 28B.125.020, and 28B.125.030.

Referred to Committee on Higher Education.

HB 1853 by Representatives Rockefeller, Woods, Haigh, Morris, Quall and Lantz

AN ACT Relating to improvement of passenger ferry service; amending RCW 47.60.120, 47.64.090, and 81.104.140; adding new sections to chapter 36.57A RCW; adding a new section to chapter 47.52 RCW; adding a new section to chapter 81.104 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1854 by Representatives Crouse, Sullivan, Delvin, Blake, Bush and Grant

AN ACT Relating to joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1855 by Representatives Dickerson, Campbell, McDermott and Skinner

AN ACT Relating to licensed independent clinical social worker education and experience requirements; and amending RCW 18.225.090.

Referred to Committee on Children & Family Services.

HB 1856 by Representatives Skinner and Cody

AN ACT Relating to the Washington state dental quality assurance commission; and amending RCW 18.32.0351.

Referred to Committee on Health Care.

HB 1857 by Representatives Benson, Cody and Ahern

AN ACT Relating to dentistry delegation; and amending RCW 18.32.030.

Referred to Committee on Health Care.

HB 1858 by Representatives Morris, McIntire, Gombosky, Cairnes, Roach and Shabro

AN ACT Relating to the taxation of persons providing chemical dependency services certified by the department of social and health services; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1859 by Representatives Schual-Berke, Pflug, Carrell, Ahern, Chandler, Cox, Alexander, Talcott, Schindler, Mastin, DeBolt, Clements, Holmquist and Woods

AN ACT Relating to joint and several liability for damages in actions under chapter 7.70 RCW; and amending RCW 4.22.070.

Referred to Committee on Judiciary.

HB 1860 by Representatives O'Brien and Mielke; by request of Indeterminate Sentence Review Board

AN ACT Relating to hearings concerning violations by sex offenders of postrelease conditions; and amending RCW 9.95.435.

Referred to Committee on Criminal Justice & Corrections.

HB 1861 by Representatives Tom, Ruderman, Talcott, Priest, McMahan and Anderson

AN ACT Relating to a statewide web-based clearinghouse for high quality, diverse resources and learning tools for the twenty-first century; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1862 by Representatives Ruderman, Pflug, Cody, Skinner, Clibborn, Benson, Chase, Anderson, Campbell, Conway and Dickerson

AN ACT Relating to naturopaths; amending RCW 18.36A.020 and 18.36A.040; and creating a new section.

Referred to Committee on Health Care.

HB 1863 by Representatives Gombosky, Cairnes and McIntire; by request of Department of Revenue

AN ACT Relating to implementing the streamlined sales and use tax agreement; amending RCW 82.08.010, 82.12.010, 82.04.040, 82.04.050, 82.14.050, 82.14.070, 82.08.050, 82.04.470, 82.08.064, 82.14.055, 82.32.430, 82.08.02566, 82.12.02566, 82.08.037, 82.12.020, 82.12.040, 82.12.060, 82.08.0293, 82.12.0293, 66.28.190, 82.04.272, 82.04.4289, 82.08.0281, 82.12.0275, 82.08.0283, 82.12.0277, 82.14.020, 82.04.215, 82.04.29001, 82.12.0284, and 82.04.120; amending 2002 c 67 s 18 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.02 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1864 by Representatives Morris and Rockefeller

AN ACT Relating to digitally printed license plates to fund a new class of ferries; amending RCW 46.16.230 and 46.16.233; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1865 by Representatives Cody, Campbell, Morrell, Schual-Berke, Kenney, Haigh, Conway and Santos

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 43.70.110 and 43.70.250; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1866 by Representatives Cody, Campbell, Morrell, Schual-Berke, Haigh, Dickerson, Chase, Simpson, Santos and McIntire

AN ACT Relating to nutrition in public schools; adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1867 by Representatives Lantz, Carrell and Rockefeller

AN ACT Relating to replevin; amending RCW 7.64.020, 7.64.035, and 7.64.045; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1868 by Representatives McDermott, Schual-Berke, Cody, Darneille, Quall, Kagi, Hunt, Chase, Veloria, McIntire and Tom

AN ACT Relating to prohibiting smoking in public places; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and 70.160.080; repealing RCW 70.160.040 and 70.160.060; and prescribing penalties.

Referred to Committee on Health Care.

HB 1869 by Representatives McIntire, Gombosky, Morris, Conway, Santos, Haigh, Kagi, Hunt, Linville, Dunshee, Chase, Simpson, Moeller, Lovick, Cody, Murray, Upthegrove, Veloria and Wood

AN ACT Relating to performance audits of tax preferences; adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Finance.

HB 1870 by Representatives Pflug, Bailey, Benson, Priest, Anderson, Woods, Holmquist, Clements, Skinner, Chandler, Ericksen, Mielke and Shabro

AN ACT Relating to offering a new health care option through the public employees' benefits board; amending RCW 41.05.065; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1871 by Representatives Pflug, Bailey, McDonald, Sehlin, Talcott, Ahern, McMahan, Priest, Bush, Anderson, Schoesler, Alexander, Shabro, Clements, Skinner, Woods, Chandler, Holmquist, Haigh, Pearson, Ericksen and Roach

AN ACT Relating to access to health insurance for employers and their employees; amending RCW 48.21.045, 48.43.038, 48.43.045, 48.44.023, and 48.46.066; reenacting and amending RCW 48.43.005; and repealing RCW 48.43.035.

Referred to Committee on Health Care.

HB 1872 by Representatives Blake, Veloria, Chase, Santos and Hatfield

AN ACT Relating to linked deposit loans for assistive technology; amending RCW 43.86A.030; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1873 by Representative Miloscia

AN ACT Relating to the licensing of sober living facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Children & Family Services.

HB 1874 by Representatives Miloscia, Pettigrew, Lovick, Schual-Berke and Simpson

AN ACT Relating to required use of helmets with nonmotorized vehicles; adding a new section to chapter 46.61 RCW; adding a new section to chapter 5.40 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1875 by Representatives Miloscia and Haigh

AN ACT Relating to the Washington progress board; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1876 by Representatives Linville, Jarrett, Murray, Schoesler, Conway, Anderson, Kenney, Cairnes, Sommers, McIntire, Dunshee, Haigh, Chase and Tom

AN ACT Relating to the use of a leaching test in state water quality certifications; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HJM 4013 by Representatives Dunshee, Chase, Romero, Simpson, Moeller, Conway, Santos, Upthegrove and Hudgins

Naming SR 99 the William P. Stewart Memorial Highway.

Referred to Committee on Transportation.

HJM 4014 by Representatives Woods, Miloscia, Priest, Hankins, Shabro, Rockefeller, Sehlin, Lovick, Bailey, Holmquist, Ericksen, Tom, Schindler, Clements, Morris, Anderson, Sullivan, Dickerson, Wood, Murray, Ruderman, Kirby, Kenney, Haigh, Kagi, Schual-Berke, Linville, Moeller, Chase, Romero, Simpson, Quall, Conway, Santos, Upthegrove, Darneille, Veloria, Pearson, Alexander, Skinner and Talcott

Naming the "Maryann Mitchell Memorial Interchange."

Referred to Committee on Transportation.

HJR 4209 by Representatives Schual-Berke, Pflug, Carrell, Ahern, Chandler, Cox, Alexander, Mastin, DeBolt, Holmquist and Woods

Authorizing the legislature to place limits on civil damages in lawsuits involving health care.

Referred to Committee on Judiciary.

HJR 4210 by Representatives Tom, Sehlin, Clements, Priest, Anderson, Holmquist, Hinkle, Schoesler, Alexander, Ahern, Bush, McDonald, Jarrett, Condotta, Armstrong, Cairnes, Nixon, Woods, Roach, Carrell, Shabro, Schindler, Newhouse, Delvin, Talcott, McMahan, Skinner and Bailey

Establishing the required reserve fund.

Referred to Committee on Appropriations.

HCR 4403 by Representatives Schual-Berke, Skinner, Cody, Hankins, Clibborn, Moeller, Pflug, Morrell, Campbell, Simpson, Conway, Santos and Upthegrove

Creating the Health Care Access Options Working Group.

Referred to Committee on Health Care.

SSB 5044 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Rasmussen, Roach, Winsley, Kastama and Schmidt)

AN ACT Relating to giving notice of the termination of a tenancy; amending RCW 59.18.200, 59.18.220, and 59.20.090; and declaring an emergency.

Referred to Committee on Judiciary.

ESB 5255 by Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

AN ACT Relating to the rule-making authority of various governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State Government.

ESB 5256 by Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson

AN ACT Relating to rule-making procedures; and amending RCW 34.05.320.

Referred to Committee on State Government.

ESB 5257 by Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser

AN ACT Relating to administrative rule adoption procedures; and amending RCW 34.05.360.

Referred to Committee on State Government.

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

## **REPORTS OF STANDING COMMITTEES**

February 7, 2003

HB 1059 Prime Sponsor, Representative Veloria: Creating a joint committee on trade policy. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

February 7, 2003

HB 1167 Prime Sponsor, Representative Veloria: Creating the legislative international trade account. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

February 7, 2003

HB 1173 Prime Sponsor, Representative Veloria: Revising provisions for the office of the Washington state trade representative. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

February 7, 2003

HB 1179 Prime Sponsor, Representative Veloria: Renaming the legislative committee on economic development the legislative committee on economic development and international relations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

February 6, 2003

HB 1367 Prime Sponsor, Representative Rockefeller: Authorizing the legislative accountability board to conduct expanded performance reviews. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 10, 2003

HB 1439 Prime Sponsor, Representative Kenney: Requiring seller disclosure of the presence of uncertified wood stoves or uncertified fireplace inserts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Holmquist; Hudgins and Kenney.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 10, 2003

HB 1440 Prime Sponsor, Representative Conway: Allowing out-of-state licensees to practice commercial real estate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and Kenney.

Passed to Committee on Rules for second reading.

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

## **SECOND READING**



**HOUSE BILL NO. 1033, By Representatives Kirby, Cooper, Sullivan and Lantz**

**Clarifying the restrictions concerning occupational licenses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1033 was substituted for House Bill No. 1033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1033 was read the second time.

Representative Carrell moved the adoption of amendment (016):

On page 4, after line 5, insert

"(5) No person may petition for, and the department shall not issue, an occupational driver's license to any person if the person previously entered into a payment plan under subsection (2)(b) of this section and the person has failed to satisfy payment of all obligations included in the payment plan."

Representatives Carrell and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

**MOTION**

On motion of Representative McMahan, Representative Sehlin was excused.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1010, By Representatives Dickerson, Delvin, Kenney, Sullivan and Darneille**

**Changing provisions relating to discharge of a minor from a mental health facility.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice and Family Law was adopted. (For committee amendment, see Journal, 24<sup>th</sup> Day, February 5, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1010.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1010 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

ENGROSSED HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1045, By Representatives Miloscia, Chandler and Upthegrove**

#### **Modifying water-sewer district bidding provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1045.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1045 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1045, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1058, By Representatives Kagi, Boldt, McIntire, Nixon, Dickerson, Fromhold, O'Brien, Lantz, Linville, Kenney, Kessler, Clibborn, Talcott, Simpson and Wood**

**Addressing educational attainment for foster children.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1058 was substituted for House Bill No. 1058 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1058 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Boldt and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1058.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1058 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1083, By Representatives Simpson, Benson and Schual-Berke; by request of Insurance Commissioner**

**Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Benson spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1083.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1083 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1083, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1144, By Representatives Haigh, Sump, Cooper, Armstrong, Pearson, McDermott and Chase; by request of Department of Fish and Wildlife**

**Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Sump spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1144.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1144 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1144, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1170, By Representatives Romero, Hunt, Cooper, Simpson and Chase  
Limiting restrictions on residential day-care facilities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Schindler and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1170.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1170 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Crouse, Roach, Schindler and Shabro - 5.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1189, By Representatives Alexander, Cody, Skinner, Schual-Berke, Pflug, Morrell, Moeller, Darneille, Clibborn, Campbell and Bailey**

**Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1189 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Cody spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1189.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1198, By Representatives Pflug and Conway; by request of Joint Committee on Pension Policy**

#### **Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Conway spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1198.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1198 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1198, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1203, By Representatives Conway, Delvin, Fromhold, Simpson, Pflug, Cooper, Bush, Upthegrove, Anderson and Chase; by request of Joint Committee on Pension Policy**

**Providing optional service credit for substitute service to members of the school employees' retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1203.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1203 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1203, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1206, By Representatives Pflug and Conway; by request of Joint Committee on Pension Policy**

**Making optional plan 3 member contributions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1206.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1206 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1206, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1207, By Representatives Alexander, Conway, Cooper, Simpson, Delvin and Campbell; by request of Joint Committee on Pension Policy**

**Providing a death benefit for certain public employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Conway spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1207.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1207 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1207, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1208, By Representatives Cooper, Pflug, Conway, Simpson and Upthegrove; by request of Joint Committee on Pension Policy**

**Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1208.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1208 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1208, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1227, By Representatives Pflug, Wood, Conway and Chandler**

#### **Concerning promotional contests of chance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1227 was substituted for House Bill No. 1227 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1227 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Wood spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1227.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1227 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1280, By Representatives Murray, Alexander and Dunshee; by request of University of Washington**

**Changing provisions for financing contracts for state university research facilities or equipment.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1280.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1280 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1340, By Representatives Cooper, Benson, Schual-Berke and McIntire; by request of Governor Locke**

**Regulating check cashers and sellers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1340 was substituted for House Bill No. 1340 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1340 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Benson spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1340.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1340 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE BILL NO. 1340, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4005, By Representatives Morris, Anderson, Linville, Veloria, Skinner, Quall, Hunt, Cox, Miloscia, Ericksen, McDonald, Pearson and Sullivan**

### **Supporting the Vancouver 2010 Olympic bid.**

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4005 was substituted for House Joint Memorial No. 4005 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Morris, Anderson and Santos spoke in favor of passage of the joint memorial.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4005.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4005 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed: HOUSE CONCURRENT RESOLUTION NO. 4402

### **SECOND READING**

**HOUSE BILL NO. 1057, By Representatives Hatfield, Buck, Blake and Kessler**

**Creating the license suspension review committee.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1057 was substituted for House Bill No. 1057 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1057 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1057.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1057 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

SUBSTITUTE HOUSE BILL NO. 1057, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1289, By Representatives Hinkle, Grant, Sump, Blake, Bush, Hatfield, Newhouse, Hunt, Buck, Mielke and McDonald**

**Concerning temporary fishing licenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle, Cooper, Armstrong, Cox and Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1289.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1289 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Anderson congratulated Representative Hinkle on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

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

There being no objection, the House adjourned until 9:55 a.m., February 13, 2003, the 32<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY FIRST DAY, FEBRUARY 12, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**THIRTY SECOND DAY**

---

House Chamber, Olympia, Thursday, February 13, 2003

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

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4618, By Representatives Benson, Ahern, Crouse, Wood, Schual-Berke, Campbell, Schindler, Bush, Gombosky, Kirby and Santos

WHEREAS, Multiple sclerosis (MS) is an unpredictable neurological disease that affects nearly 400,000 people in the United States; and

WHEREAS, Approximately 200 people each week are diagnosed with MS, more than one person every hour; and

WHEREAS, The unpredictable physical and emotional effects, such as blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, even paralysis and blindness, can last the rest of their lives; and

WHEREAS, Onset of symptoms occurs most often between the ages of 20 and 50, at the prime of life when the impact of a chronic illness can be most damaging to family and career; and

WHEREAS, MS can be a very costly illness to an individual in terms of lost wages estimated annually at \$22,000, the cost of health care estimated annually at \$21,500, as well as time spent by family members providing care; and

WHEREAS, Approximately 150-220 per 100,000 people in Washington state have MS, making the incidence rate in this state one of the highest in the nation; and

WHEREAS, The National Multiple Sclerosis Society, Greater Washington Chapter and Inland Northwest Chapter services more than 35,368 people, including 8,843 with multiple sclerosis and nearly 26,525 others whose lives are directly impacted, ranging from spouses, children, and relatives to friends, coworkers and caregivers, in Washington state counties; and

WHEREAS, Every month the National Multiple Sclerosis Society, Greater Washington Chapter and Inland Northwest Chapter responds to hundreds of requests for information from people newly diagnosed with the disease, their families, friends, employers, and health professionals; and

WHEREAS, The Pacific Northwest Alliance of MS Centers works in collaboration with community clinicians, nurses, researchers, and persons affected by Multiple Sclerosis to organize ongoing patient educational lecture series; and

WHEREAS, The Pacific Northwest Alliance of MS Centers is working toward conducting collaborative clinical research to develop and maintain a common patient data base; and

WHEREAS, The MS clinics in the region are working towards sharing information about specific resources available, educational events, research opportunities, emerging findings in MS research, and ideas for improving MS patient care; and

WHEREAS, The Pacific Northwest is a region with one of the highest concentrations of MS in the country, and there is great demand for specialized MS care;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the dedicated service of those who are working to combat MS and those who are providing comfort and care to persons affected by MS.

HOUSE RESOLUTION NO. 4618 was adopted.

HOUSE RESOLUTION NO. 2003-4619, By Representatives Newhouse, Chandler, Hankins and Delvin

WHEREAS, Dr. Walter Clore was born on July 1, 1911, and grew up in Oklahoma during Prohibition; and

WHEREAS, Dr. Clore was raised to be a teetotaler yet wound up being known as the "Father of Washington Wine"; and

WHEREAS, Dr. Clore arrived at then-Washington State College in 1934 on a \$500 fellowship, one of the best educational investments ever made in Washington history; and

WHEREAS, In 1937, Dr. Clore was appointed as assistant horticulturist at the college, thus beginning a very long and productive career in which he worked with tree fruits and small fruits, including grapes; and

WHEREAS, Dr. Clore did extensive research on what kinds of premium wine grapes would grow well in certain areas of Washington, irrigation techniques, and how to help grape vines survive bitter freezes that hit Washington periodically; and

WHEREAS, Dr. Clore had the wisdom and foresight to envision Washington, particularly the Columbia Valley, as one of the best wine-making regions in the world when others said it was not possible; and

WHEREAS, In the early 1970s, Dr. Clore helped Washington wine grape growers survive and thrive after the state allowed the sale of fine California wines; and

WHEREAS, Dr. Clore retired in 1976, but continued to consult wine grape growers for years afterward, helping set Washington's wine industry on a course that would allow it to become a world-renowned wine-producing region, a key economic force with a \$2.4 billion impact on the state, and the second largest in the nation behind California; and

WHEREAS, The WSU Foundation in 1993 established the Walter J. Clore Scholarship Endowment to provide scholarships to full-time undergraduate students at WSU who are interested in studying grape production, processing, or marketing; and

WHEREAS, Plans are now being made to build a \$6 million Walter Clore Wine and Culinary Center in Prosser; and

WHEREAS, Dr. Clore died on January 28, 2003, in a Yakima nursing home;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby honor the life and accomplishments of Dr. Walter Clore, the "Father of Washington Wine"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Dr. Walter Clore.

HOUSE RESOLUTION NO. 4619 was adopted.

### **INTRODUCTION & FIRST READING**

HB 1877 by Representatives Shabro, Armstrong, Miloscia, Tom, Nixon, Woods and Condotta

AN ACT Relating to state agency rules that set fees or rates; amending RCW 34.05.310 and 34.05.328; and creating a new section.

Referred to Committee on State Government.

HB 1878 by Representatives Dickerson and Pettigrew

AN ACT Relating to providing the courts access to information in third-party custody petitions; amending RCW 13.50.100, 26.10.030, and 43.43.830; adding a new section to chapter 26.10 RCW; and adding a new section to chapter 26.50 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1879 by Representatives Gombosky and Cairnes

AN ACT Relating to simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state; amending RCW 82.14.030, 82.14.040, and 82.14.050; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1880 by Representatives Gombosky, Benson, Wood, Ahern, Veloria and Eickmeyer

AN ACT Relating to authorizing a county sales and use tax to fund economic development; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1881 by Representatives O'Brien, Lovick, Skinner, Kagi, Kenney, Darneille, Hunt and Simpson

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1882 by Representatives Grant, Delvin, Miloscia, Jarrett and Upthegrove

AN ACT Relating to local improvement districts; amending RCW 35.45.050 and 36.88.160; adding a new section to chapter 35.45 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1883 by Representative Miloscia

AN ACT Relating to water-sewer district charges for temporary facilities; and amending RCW 57.08.005.

Referred to Committee on Local Government.

HB 1884 by Representatives Miloscia and Nixon

AN ACT Relating to allowing agencies to consider fees in the criteria for selecting architectural and engineering services; and amending RCW 39.80.020, 39.80.040, and 39.80.050.

Referred to Committee on State Government.

HB 1885 by Representatives Ruderman and Nixon

AN ACT Relating to commercial electronic mail; amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW creating a new section; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1886 by Representatives Linville, Sump, Cooper, Buck and Hatfield

AN ACT Relating to commercial fishing licenses; and amending RCW 77.70.380.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1887 by Representatives Linville, Sump, Cooper, Buck and Hatfield



AN ACT Relating to commercial fisheries; adding new sections to chapter 77.70 RCW; and providing an expiration date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1888 by Representatives Linville and Schoesler; by request of Department of Ecology

AN ACT Relating to modifying the public notification requirements for wastewater discharge permits; and amending RCW 90.48.170.

Referred to Committee on Agriculture & Natural Resources.

HB 1889 by Representatives Kirby, Delvin, Lovick, Chase, O'Brien, Cooper, Simpson and Conway

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system, plan 1; adding new sections to chapter 41.26 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 41.45 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1890 by Representatives Chandler, Linville, Holmquist, Eickmeyer, Schoesler and Grant

AN ACT Relating to requiring the apple commission board positions to be composed of fifteen members allocated on a geographic basis; and amending RCW 15.24.020 and 15.24.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1891 by Representatives Miloscia and Armstrong

AN ACT Relating to school district capital demonstration projects; and amending RCW 39.10.067.

Referred to Committee on State Government.

HB 1892 by Representatives Schual-Berke, Upthegrove and Miloscia

AN ACT Relating to eliminating the authority of the department of ecology to appeal pollution control hearings board decisions regarding water quality certifications required by the federal clean water act; and amending RCW 43.21B.180.

Referred to Committee on Agriculture & Natural Resources.

HB 1893 by Representatives Cairnes, Benson, Roach, Holmquist, McMahan, Skinner, Mielke, Orcutt, Sump, Hinkle, Woods, Clements and Talcott

AN ACT Relating to prohibiting the assessment of access or parking fees at state parks and recreation commission facilities; amending RCW 79A.05.070; creating a new section; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1894 by Representatives Condotta, Sehlin, Talcott, Skinner, McDonald, Hinkle, Schindler, Ahern, Shabro, Alexander, Holmquist, Clements, Mielke, McMahan, Roach, Schoesler, Sump, Kristiansen, Benson, Orcutt, Anderson, Pearson, Woods, Bush, Ericksen, Nixon and Newhouse

AN ACT Relating to strengthening the state expenditure limit; amending RCW 43.135.025, 43.135.035, and 43.135.045; reenacting and amending RCW 43.135.035 and 43.135.045; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1895 by Representatives Campbell and Kirby

AN ACT Relating to homeowner's insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1896 by Representatives Quall, Cox, Hunter and Anderson; by request of Superintendent of Public Instruction

AN ACT Relating to the office of the superintendent of public instruction; amending RCW 28A.300.040; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1897 by Representatives Kenney, Chandler, Conway and Condotta

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.060, 18.140.070, 18.140.100, 18.140.110, 18.140.120, 18.140.130, 18.140.140, 18.140.150, 18.140.155, 18.140.160, 18.140.170, 18.140.200, 18.140.202, 18.140.220, and 18.140.260; adding new sections to chapter 18.140 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1898 by Representatives Quall, Cox and Schual-Berke; by request of Superintendent of Public Instruction

AN ACT Relating to the social studies, health and fitness, and arts assessments on the Washington assessment of student learning; and amending RCW 28A.655.060.

Referred to Committee on Education.

HB 1899 by Representatives Moeller and Jarrett

AN ACT Relating to the equality of utility taxation on water and sewer services provided within cities and towns; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 1900 by Representatives Santos, Jarrett and Kirby

AN ACT Relating to the use of real estate excise tax revenue; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government.

HB 1901 by Representatives McDermott, Jarrett and Hunter; by request of Governor Locke

AN ACT Relating to school district levy authority; amending RCW 84.52.0531 and 84.52.053; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1902 by Representatives Kessler, Carrell and Lantz

AN ACT Relating to implied warranties under the condominium act; and amending RCW 64.34.410 and 64.34.450.

Referred to Committee on Judiciary.

HB 1903 by Representatives Romero, Jarrett, Upthegrove, Edwards, Hunt and Moeller

AN ACT Relating to relocation assistance for low-income tenants; and amending RCW 59.18.440 and 35.80.030.

Referred to Committee on Local Government.

HB 1904 by Representatives O'Brien, Boldt, Kagi, Roach and Miloscia

AN ACT Relating to the reporting of incidents by mandated reporters; amending RCW 74.34.020 and 74.34.035; adding a new section to chapter 74.34 RCW; and declaring an emergency.

Referred to Committee on Children & Family Services.

HJM 4015 by Representatives Roach, Cairnes, Orcutt and McMahan

Requesting Congress to permanently repeal the estate tax.

Referred to Committee on Finance.

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

### **REPORTS OF STANDING COMMITTEES**

February 11, 2003

HB 1002 Prime Sponsor, Representative Hunt: Reducing the release of mercury into the environment.  
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Hatfield; O'Brien and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck and Pearson.

Passed to Committee on Rules for second reading.

February 10, 2003

HB 1054 Prime Sponsor, Representative Dickerson: Specifying circumstances under which a clergy must report child abuse or neglect. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1069 Prime Sponsor, Representative Pflug: Authorizing additional waivers on interest and penalties for delinquent property taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1123 Prime Sponsor, Representative Kenney: Creating the state financial aid account. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Referred to Committee on Appropriations.

February 11, 2003

HB 1126 Prime Sponsor, Representative Schoesler: Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 11, 2003

HB 1128 Prime Sponsor, Representative Schual-Berke: Prohibiting insurers from canceling, denying, or refusing to renew property insurance policies due to claims made for malicious harassment. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1150 Prime Sponsor, Representative Hatfield: Selling single premium credit insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1225 Prime Sponsor, Representative Lantz: Expanding the crime of communicating with a minor for immoral purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1249 Prime Sponsor, Representative Rockefeller: Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1252 Prime Sponsor, Representative Linville: Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1287 Prime Sponsor, Representative Lovick: Clarifying district court jurisdiction over actions involving commercial electronic mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1292 Prime Sponsor, Representative Rockefeller: Authorizing additional superior court judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Appropriations.

February 11, 2003

HB 1348 Prime Sponsor, Representative Flannigan: Making technical corrections. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1349 Prime Sponsor, Representative Flannigan: Correcting obsolete references to fish and wildlife statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1350 Prime Sponsor, Representative Flannigan: Repealing RCW 42.44.040. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1351 Prime Sponsor, Representative Flannigan: Correcting outdated internal references. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1361 Prime Sponsor, Representative Linville: Increasing the powers of the state agricultural commodity commissions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 10, 2003

HB 1369 Prime Sponsor, Representative Romero: Requiring continuing education for land surveyors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, line 4, strike "January" and insert "July"  
On page 2, line 8, strike "January" and insert "July"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Hudgins and Kenney.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1423 Prime Sponsor, Representative Ahern: Increasing penalties for manufacturing methamphetamine. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Lovick and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman; Kagi.

Referred to Committee on Appropriations.

February 11, 2003

HB 1435 Prime Sponsor, Representative Armstrong: Concerning the fruit and vegetable district fund. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1453 Prime Sponsor, Representative Kenney: Improving articulation and transfer between institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 4, line 11, strike "student who successfully completes a"

On page 4, line 12, strike "be deemed to have met" and insert "meet"

On page 4, line 15, after "developed." strike "A" and insert "Such a"

On page 4, line 16, strike "a comparable portion of"

On page 4, line 17, strike "as" and insert "that"

On page 4, line 17, after "complete" insert "in the freshman and sophomore years"

On page 5, after line 14, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 28B.50 RCW to read as follows:  
Prior to registration, each community or technical college shall notify students regarding which of the institution's courses fall within the general education transfer curriculum under section 4 of this act or within one or more transfer associate degrees under section 5 of this act."

Correct the title accordingly.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

There being no objections, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, HOUSE BILL NO. 1242 and HOUSE BILL NO. 1243 were referred to the Rules Committee.

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1108,  
HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1138,  
HOUSE BILL NO. 1148,  
HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1161,  
HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1213,  
HOUSE BILL NO. 1231,  
HOUSE BILL NO. 1286,  
HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1403,  
HOUSE BILL NO. 1440,  
HOUSE JOINT MEMORIAL NO. 4000,

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

There being no objection, the House adjourned until 10:00 a.m., February 14, 2003, the 33<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY SECOND DAY, FEBRUARY 13, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**THIRTY THIRD DAY**

---

House Chamber, Olympia, Friday, February 14, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Griffin and Justin Lind. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

**RESOLUTION**



HOUSE RESOLUTION NO. 2003-4611, by Representatives Woods, Murray, Schual-Berke, Buck, Cody, Holmquist, Romero, Alexander, Ruderman, DeBolt, Haigh, Hankins, Cooper, Skinner, Edwards, Schindler, Grant, Campbell, Hunt, Bush, Crouse, Benson, Kristiansen, Orcutt, Armstrong, Hinkle, McDonald, Pearson, Ericksen, Ahern, Anderson, Bailey, Berkey, Blake, Boldt, Cairnes, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Condotta, Conway, Cox, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Hatfield, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Santos, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace and Wood

WHEREAS, The Washington State House of Representatives recognizes the many years of service that Maryann Mitchell gave to the people of this state, and desires to pay tribute to her, celebrate her life, applaud her accomplishments, and honor her contributions to the state of Washington; and

WHEREAS, In 1961 Maryann Mitchell, as a lifeguard and a water safety instructor with the King County Parks Department, began teaching swimming lessons to developmentally disabled children; and

WHEREAS, In 1967 Maryann Mitchell and the King County Parks Department worked together to create an innovative athletic program for the developmentally disabled, which quickly spread throughout the state as a forum for the developmentally disabled to participate in athletic competitions; and

WHEREAS, Based on Maryann Mitchell's work with the King County Parks Department in creating an innovative athletic program and the subsequent growth of the program to statewide participation in athletic competitions for the developmentally disabled, Maryann founded the Washington State Special Olympics, which later presented her with the opportunity to work with Eunice Kennedy Shriver as a team organizer in the creation of both the National and International Special Olympics in which Maryann would play a vital and active role, as well as serving as the state director for the Washington State Special Olympics from 1971-1972 and again from 1977-1978; and

WHEREAS, Maryann Mitchell became a strong voice for the developmentally disabled during her time working for the King County Association for Retarded Citizens (ARC) in which she advocated for the disabled community in the courts and the legislature, helping create House Bill No. 90 known as the "education for all law"; and

WHEREAS, Maryann Mitchell continued to advocate for the elderly and disabled through her personal and political support of the South King County Multi-Service Center, serving as a board member from 1992-1994; and

WHEREAS, In 1987 Maryann Mitchell served as the Chairwoman of the "Federal Way First!" cityhood campaign, which was instrumental in the city of Federal Way incorporation in 1990; and

WHEREAS, Maryann Mitchell had much compassion for animals and in particular was concerned over the quality of life provided for animals living in zoos, and in 1986-1990 she served on the Woodland Park Zoo Oversight Committee, which oversaw the budget and design work for building new habitats for elephants, wolves, giraffes, and gorillas housed at the zoo; and

WHEREAS, Maryann Mitchell played an active and influential role as a member of the Pacific Northwest Aquatics Foundation, which was created to build the Weyerhaeuser pool located in Federal Way, in hopes of hosting the aquatics portion of the 1990 Goodwill Games; and

WHEREAS, Maryann Mitchell enjoyed the outdoors and nature and contributed to ensuring that urban areas maintained natural environments by working on the King County Open Space Bond Issue campaign, which was designed to help preserve and develop parks, trails, recreation areas, and wetlands; and

WHEREAS, In 1990 Maryann Mitchell was elected to the Washington State House of Representatives, representing the 30th District as a moderate Republican who came to Olympia with clear priorities to find solutions for transportation, addressing the needs of the elderly and disabled, and working on building a sound state budget; and

WHEREAS, During Maryann Mitchell's ten years in the Washington State Legislature, her roles included serving as the Vice-Chairman on the House Transportation Committee from 1995-2000, serving as the CoChairman on the Capital Budget Committee in 1999, and serving as the CoChairman of the House Transportation Committee in 2000 and 2001; and

WHEREAS, Maryann Mitchell's leadership on the Legislative Building Preservation and Renovation Commission, and her leadership within the Legislature, was instrumental in starting the long-delayed rehabilitation of the State Capitol Building; and

WHEREAS, Maryann Mitchell was known in the Legislature as a fair but tough negotiator, and someone who was a no-nonsense hard worker, yet was fun, had a good sense of humor, and always a pleasure to work with; and

WHEREAS, Maryann Mitchell was a legislator who was willing to work with both sides of the aisle to achieve an end goal, as she would give in the hopes that she would get, but never compromised her beliefs; and

WHEREAS, Maryann Mitchell was loved by most and respected by all and will be deeply missed by her colleagues, friends, and family who include her husband Sam Mitchell, her five grown children: Margaret Velte, Jill Snyder, Laura Ladabour, Rob Mitchell, and Rick Mitchell, and her six grandchildren: Jon Nelson, Ross, Ryan, and Kurt Mitchell, and Alex and Tyler Velte.

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives does extend its deepest condolences to the family of Maryann Mitchell; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this resolution be sent to her husband, Sam Mitchell.

Representative Woods moved the adoption of the resolution.

Representatives Woods and Murray spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4611 was adopted.

In honor of Maryann Mitchell, the Country Squires Barbershop Quartet serenaded the Chamber.

#### **MESSAGE FROM THE SENATE**

February 13, 2003

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

Paul Campos, Deputy Secretary

#### **INTRODUCTION & FIRST READING**

HB 1905 by Representatives Gombosky, Buck, Lantz, Tom, Pettigrew, Rockefeller, Skinner, Fromhold, Benson and Kagi

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; amending RCW 84.36.060 and 84.36.805; and creating a new section.

Referred to Committee on Finance.

HB 1906 by Representatives Ahern, Cox, Benson, Gombosky, Chase, Sullivan, Boldt, Schoesler, Schindler and Crouse

AN ACT Relating to siting of secure community transition facilities; amending RCW 71.09.342; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1907 by Representatives Ahern, Lovick, Benson, Anderson, Orcutt, Upthegrove, McMahan, Gombosky, Pettigrew, Holmquist, Chase, Mielke, Roach, Sump, Campbell, Schindler, Wood, Crouse, Cox and Schoesler

AN ACT Relating to siting of secure community transition facilities; amending RCW 71.09.285, 71.09.342, and 34.05.4791; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1908 by Representatives Dunshee, Cox, Sommers, Kenney, Lantz, O'Brien, Jarrett and McIntire; by request of Governor Locke

AN ACT Relating to capital construction of and bonding for facilities for institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Capital Budget.

HB 1909 by Representatives Jarrett, Kenney, Cox, Fromhold, Chase, Berkey, Pearson, McCoy, Gombosky, Lantz, Clements, Talcott and Buck

AN ACT Relating to creating a pilot project for competency-based transfer in higher education; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1910 by Representatives Schual-Berke and Pflug

AN ACT Relating to limiting noneconomic damages in actions under chapter 7.70 RCW; amending RCW 4.56.250; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1911 by Representatives O'Brien, Chase, Moeller, Lantz and Delvin

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.030, 10.95.070, and 10.95.130; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1912 by Representatives McMahan, Lantz, Kirby, Newhouse, Campbell and Carrell

AN ACT Relating to convicted juvenile sex offenders in the common schools; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1913 by Representatives Darneille, Mastin, Schual-Berke, Campbell, Cody, Moeller and Grant

AN ACT Relating to granting authority to the department of community, trade, and economic development to address concerns with lead-based paint activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1914 by Representatives Edwards, Campbell, Schual-Berke and McMahan

AN ACT Relating to exempting kidney dialysis patients from requirements of the therapeutic consultation service; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1915 by Representative Kirby

AN ACT Relating to the siting of criminal justice and other institutional facilities in Pierce county; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1916 by Representatives Edwards and Skinner

AN ACT Relating to boarding home license violations; and amending RCW 18.20.190 and 18.20.195.

Referred to Committee on Health Care.

HB 1917 by Representatives Edwards, Pflug, Cody and Skinner

AN ACT Relating to regulation of boarding homes; and reenacting and amending RCW 18.20.010.

Referred to Committee on Health Care.

HJM 4016 by Representatives Wood, Benson, Gombosky, Cox, Schoesler, Ahern, Schindler and Crouse

Designating the Michael P. Anderson Memorial Highway.

Referred to Committee on Transportation.

HJM 4017 by Representative Nixon

Requesting Congress to repeal the alternative minimum tax.

Referred to Committee on Finance.

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

### **REPORTS OF STANDING COMMITTEES**

February 11, 2003

HB 1079 Prime Sponsor, Representative Kenney: Expanding the definition of resident student for higher education purposes. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, at the beginning of line 20, strike everything through "so;" on line 22, and insert "file an application for permanent residency and engage in activities necessary to acquire citizenship, including but not limited to taking citizenship or civics review classes prior to completing a certificate or degree program;"

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Buck; Chase; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Clements and Condotta.

Passed to Committee on Rules for second reading.

February 11, 2003

HB 1081 Prime Sponsor, Representative Hunter: Providing funds to deter, investigate, and prosecute real estate fraud crimes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hunter; Roach and Santos.

MINORITY recommendation: Without recommendation. Signed by Representative Hatfield.

Referred to Committee on Appropriations.

February 11, 2003

HB 1219 Prime Sponsor, Representative Schual-Berke: Addressing violations connected with the offer, sale, or purchase of securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Referred to Committee on Appropriations.

February 12, 2003

HB 1223 Prime Sponsor, Representative Dickerson: Placing jurisdiction over deceased minors with the county coroner. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 12, 2003

HB 1236 Prime Sponsor, Representative Kagi: Providing public access to child dependency hearings. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1333 Prime Sponsor, Representative Lantz: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1335 Prime Sponsor, Representative Cooper: Continuing the development of water trail sites in Washington state. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; O'Brien; Pearson and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representative Hatfield.

Referred to Committee on Appropriations.

February 12, 2003

HB 1545 Prime Sponsor, Representative Fromhold: Providing for consolidation of early learning and child care programs. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Bailey and Shabro.

Referred to Committee on Appropriations.

February 13, 2003

HB 1583 Prime Sponsor, Representative Kirby: Changing requirements for issuing salary warrants for judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 12, 2003

HB 1654 Prime Sponsor, Representative Schual-Berke: Borrowing money by domestic mutual insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1675 Prime Sponsor, Representative Moeller: Updating civil trial provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 13, 2003

HJR 4205 Prime Sponsor, Representative Lantz: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1028, By Representatives Dickerson, Delvin, Kagi, O'Brien, Kenney and Upthegrove**

**Studying programs for at-risk youth intervention.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1028 was substituted for House Bill No. 1028 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1028 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

## MOTION

On motion of Representative McMahan, Representative Boldt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1028.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1028 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1028, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1059, By Representatives Veloria, Sump, Grant and Clements**

**Creating a joint committee on trade policy.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1059 was substituted for House Bill No. 1059 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1059 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1059.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1059 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1059, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1098, By Representatives Lantz and Carrell**

**Authorizing electronic notice and other communications within the Washington nonprofit corporation act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1098.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1098 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,



Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

HOUSE BILL NO. 1098, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1108, By Representatives Chase, DeBolt, Lovick, Ahern, Moeller, Blake, McCoy, Eickmeyer, Sump, O'Brien, Mielke and Haigh**

**Establishing penalties for harming a police horse.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1108.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1108 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

HOUSE BILL NO. 1108, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1119, By Representatives Ruderman, Nixon, Haigh, McDermott, Tom, Miloscia, Clibborn, Hudgins, Cody, Hunter, Kessler and Darneille**

**Regulating mail to constituents.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1119.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1119 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Benson, Buck, Bush, Chandler, Clements, Cox, Crouse, Delvin, Hinkle, Holmquist, McDonald, Mielke, Newhouse, Schindler and Schoesler - 16.

Excused: Representative Boldt - 1.

HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1138, By Representatives McIntire, Ericksen, Armstrong, Dunshee, Cooper, Anderson, O'Brien, Haigh, Kenney, Lantz, McDermott and Chase**

**Reestablishing the state parks and outdoor recreation funding task force.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1138.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1138 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 1148, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1156, By Representatives Miloscia, Armstrong, Ruderman, Hunt, Kenney, Nixon, Shabro, Haigh, Rockefeller, Cairnes, Simpson, McDermott, Tom, Moeller, Anderson, O'Brien, Benson, Carrell, Mielke, Schual-Berke, Wallace, Hudgins, Kessler, Campbell and Upthegrove; by request of Secretary of State**

**Requiring timely mailing of ballots.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1156 was substituted for House Bill No. 1156 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1156 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1156.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1156 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1156, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1161, By Representatives McDermott, Shabro, Tom, Anderson, Kenney, Wallace and Linville; by request of Secretary of State**

**Administering funds received under the Help America Vote Act.**

The bill was read the second time.

Representative McDermott moved the adoption of amendment (017):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 29.04 RCW to read as follows:

(1) The election account is created in the state treasury.

(2) The following receipts must be deposited into the account:

Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act; amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act;

and such other amounts as may be appropriated by the legislature to the account.

(3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

**Sec. 2.** RCW 43.84.092 and 2002 c 242 s 2 and 2002 c 114 s 24 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters'

system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Representative McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Shabro spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1161.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1161 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

ENGROSSED HOUSE BILL NO. 1161, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1175, By Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan and Upthegrove**

**Prohibiting trafficking in persons.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1175.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1175 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1213, By Representatives Haigh, Armstrong, Morris, Hatfield, Linville, Ruderman and Rockefeller; by request of Governor Locke**

### **Eliminating boards and commissions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1213 was substituted for House Bill No. 1213 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1213 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1213.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1213 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1231, By Representatives Romero, Schindler, Upthegrove, Jarrett, Clibborn, Armstrong, Hatfield, Clements, Moeller, Mielke, Morris, Ericksen, Berkey, Roach, Simpson, Linville, Fromhold, Dunshee, Kirby, Ruderman, Hunt, Nixon, McDermott, Holmquist, Anderson, Chase and Condotta**

**Providing for direct petition annexations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1231 was substituted for House Bill No. 1231 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1231 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1231.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1231 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Benson and Buck - 2.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1231, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1286, By Representatives Ruderman, Crouse, Morris, Nixon, Sullivan and Delvin**

**Regarding promotional service offerings.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1286 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1286.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1286 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1286, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1376, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1403, By Representatives Kenney, Cox, Grant, Fromhold, Jarrett, Conway, McIntire, Benson, Berkey and Upthegrove; by request of State Board for Community and Technical Colleges**

**Changing exceptional faculty award grants.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, 30<sup>th</sup> Day, February 11, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1403.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1403 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

ENGROSSED HOUSE BILL NO. 1403, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1440, By Representatives Conway, Chandler, Tom and Wood**

#### **Allowing out-of-state licensees to practice commercial real estate.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1440 was substituted for House Bill No. 1440 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1440 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1440.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1440 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE BILL NO. 1440, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4000, By Representatives Morris, Kenney, Conway, Lovick, Linville, Anderson and O'Brien**

**Supporting regional infrastructure security.**

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4000 was substituted for House Joint Memorial No. 4000 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4000 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Morris and Anderson spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4000.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4000 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Boldt - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4000, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 17, 2003, the 36<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY THIRD DAY, FEBRUARY 14, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

## THIRTY SIXTH DAY

---

---

House Chamber, Olympia, Monday, February 17, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kirsten Elgee Saul and Sara Ward. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Samantha Grant Herriot, granddaughter of Representative Bill Grant. Prayer was offered by Reverend John Stroeh, The Lutheran Church of the Good Shepherd, Olympia.

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

### RESOLUTIONS

HOUSE RESOLUTION NO. 2003-4623, by Representatives Hunter, Roach, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods

WHEREAS, The people of the State of Washington celebrate CHILDREN as one of the most precious blessings our world has ever been given; and

WHEREAS, The CHILDREN of the State of Washington should be cherished and given a positive and secure environment that can help develop their talents, temperament, minds, and character; and

WHEREAS, CHILDREN are the responsibility of their parents, and all the citizens of the State of Washington should help them by setting examples of what it means to be good neighbors, law-abiding citizens, productive workers, and helpful friends; and

WHEREAS, It is our duty and privilege to instill in CHILDREN the faith, hope, charity, and integrity they need to continue the legacy of freedom, peace, and prosperity we have inherited from those who came before us; and

WHEREAS, The CHILDREN are the future of Washington State and should be encouraged to reach for the stars so that they become doctors, lawyers, teachers, social workers, or anything else they aspire to be; and

WHEREAS, The CHILDREN of the State of Washington should know that their ideas and dreams are valued and respected because we take time to listen and encourage; and

WHEREAS, The CHILDREN of the State of Washington should have access to quality education, wholesome recreation, and a safe community; and

WHEREAS, The Washington State House of Representatives welcome children to the Chamber every President's Day so they may witness firsthand the legislative process; and

WHEREAS, The state has designated the second Sunday in October to commemorate the CHILDREN of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all the citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and emphasizing their special place in our lives.

Representative Hunter moved the adoption of the resolution.

Representatives Hunter and Roach spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4623 was adopted.

HOUSE RESOLUTION NO. 2003-4624, By Representatives Armstrong, Hankins and Skinner

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Abraham Lincoln, the 16th President of the United States of America, exhibited the highest level of excellence in service and sacrifice to his country; and

WHEREAS, Abraham Lincoln demonstrated unimpeachable moral character in all matters, large or small, public or personal, thereby earning himself the nickname "Honest Abe"; and

WHEREAS, Abraham Lincoln was a gentleman from humble beginnings, having been raised in a log cabin, who cleared land and split rails as a young man, and although he later attained great stature in public life, he never lost touch, empathy, or the values he shared with the common person; and

WHEREAS, Abraham Lincoln exemplified the greatest tenacity, perseverance, and acumen in scholastic and professional endeavors, illustrated by the fact that he educated himself in the profession of law and following an apprenticeship earned a well-deserved reputation as a skilled, talented, and respected member of the bar; and

WHEREAS, Abraham Lincoln continues to be known and admired for his eloquent and accomplished oratory of viewpoints, which were always rooted in the truest principles of liberty and justice, and which are perhaps best illustrated in his debate opposing slavery with Judge Stephen A. Douglas and by the delivery of what has become known as the Gettysburg Address, which honored the magnitude of the cost of liberty; and

WHEREAS, Abraham Lincoln believed the republican form of government established by the Founding Fathers was the best means of ensuring freedom from despotic government, and he became the father of the Republican Party dedicated to maintaining the truest principles of constitutional representation under the rule of law; and

WHEREAS, Abraham Lincoln unselfishly gave of himself throughout his long and distinguished commitment to public service to his fellow citizens, which included judicial service in the Eighth Circuit, as a member of the Illinois State Legislature, as a member of the United States Congress, and as the President of the United States of America; and

WHEREAS, Abraham Lincoln courageously issued the famous Emancipation Proclamation Act of 1862, adopted by Congress later that same year, which valued the citizenship and respected the freedom of all persons regardless of race or color; and

WHEREAS, Abraham Lincoln, while President of the United States, did valiantly and nobly issue yearly Proclamations of National Prayer Day, duly adopted by Congress, because he believed that the pursuits of Nations and Governments, as well as those of men, are dependent upon the solemn guidance and reverent will of God; and

WHEREAS, Abraham Lincoln, within one month of being inaugurated as President, faced the mighty challenge of a Civil War ... which tore at the fabric of the union, pitting brother against brother, family against family ... with a love of liberty and a firm assurance in the divine providence as his guide and support for the nation; and

WHEREAS, Abraham Lincoln steadfastly directed the campaign to victory in the Civil War, held malice toward none and a charity of spirit toward all, believed with conviction and firmness in the right and just, helped bind this great nation together and heal its wounds, and gave to us a just and lasting peace; and

WHEREAS, Abraham Lincoln suffered an untimely death, just five days after bringing the Civil War to an end in April 1865, at the hands of an assassin, tragically ending the life of a man who

gave of himself to his country unselfishly, charitably, graciously, and patriotically for all causes that were just, noble, and honorable and that sought liberty and freedom for all; and

WHEREAS, Abraham Lincoln's own words are inscribed into the walls of the Lincoln Memorial in Washington, D.C.: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 16th President of these United States for his faith, character, ideals, and contributions, which continue to poignantly and presently inspire the best within the hearts of men and women everywhere, and which will continue to do so for generations to come.

HOUSE RESOLUTION NO. 4624 was adopted.

HOUSE RESOLUTION NO. 2003-4625, By Representatives Armstrong, Hankins and Skinner

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, George Washington, the first President of the United States of America, demonstrated the epitome of excellence in serving the country he loved so well; and

WHEREAS, George Washington was a son of one of the original American colonies, being raised in Westmoreland County, Virginia; and

WHEREAS, George Washington's extraordinary success in life was built upon the foundation of values imparted to him in his youth by his mother, Mary Ball Washington, who educated and tutored him at home until he successfully moved on to the venerable institution of William and Mary College, Williamsburg, Virginia, of which he later became first Chancellor; and

WHEREAS, George Washington earned and properly merits the highest honor, respect, devotion, and homage from his countrymen for his unwavering commitment, virtuous sacrifice, and wise, principled leadership in the proud and noble struggle for liberty for the American colonies; and

WHEREAS, George Washington's reverent and faithful guidance as Commander-in-Chief of the Continental Army during the Revolutionary War gave confidence and spirit to the soldiers and countrymen who suffered uncommon hardships, and demonstrated that the dispensations and blessings of providence are always a constant companion of the honorable and noble patriot laboring for justice, freedom, and truth; and

WHEREAS, George Washington bravely met and overcame arduous challenges and perils in the heroic struggle of the American patriots, perhaps best symbolized by the cruel and unrelenting hardships the Continental Army experienced under his command during the winter of 1777 at Valley Forge, where overwhelming British forces and inconceivable weather and supply conditions were conquered with patience, bearing, fortitude, and unwavering faith; and

WHEREAS, George Washington, victorious in the Revolutionary War, tempered by piety, and inspired by the giving of thanks for the favors and blessings of providence, ushered in the independent and sovereign young republic; and

WHEREAS, George Washington, following victory for the American States, continued his distinguished service to his countrymen and was unanimously chosen to preside at the Constitutional Convention in Philadelphia, Pennsylvania, in 1787, wherein the esteemed charter of the greatest nation ever on this earth was eminently commissioned as the Constitution of the United States of America and later ratified by the people of the several states to form a union which would work to establish justice, ensure domestic tranquility, provide for the common defense, and secure the blessings of liberty for posterity; and

WHEREAS, George Washington, on April 30, 1789, placed his palm upon an open Bible and solemnly, humbly, and resolutely took the oath of office as the first President of the United States of America amid the thunderous ovation of the people, the pealing of church bells, and roaring artillery salutes and forthwith led the young republic to a prominent place among the nations of this earth; and

WHEREAS, This great state of Washington, established in 1889, bears and honors the name of George Washington and the vignette of his likeness prominently and nobly displayed on the state seal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor George Washington, the first President of these United States, and Father of this

great nation, for his innumerable and indomitable accomplishments and contributions for the eternal cause of liberty and justice for all.

Representative Armstrong moved the adoption of the resolution.

Representatives Armstrong and Hudgins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4625 was adopted.

Christina Alexander, Bellingham sang "It's a Small World" with Samantha Grant Herriott and "Standing Tall".

### MESSAGE FROM THE SENATE

February 14, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5088,  
SENATE BILL NO. 5134,  
SENATE BILL NO. 5156,  
SENATE BILL NO. 5211,  
SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### INTRODUCTION & FIRST READING

HB 1918 by Representatives Hunt and Sump

AN ACT Relating to the recreation resource account; and amending RCW 79A.25.070.

Referred to Committee on Transportation.

HB 1919 by Representatives Fromhold, Orcutt and Anderson

AN ACT Relating to emergency services communications systems; and amending RCW 38.52.510.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1920 by Representatives Dickerson, Nixon, Schual-Berke, Murray, Romero, Uptegrove and Chase

AN ACT Relating to voting for port commissioners; amending RCW 53.12.010 and 53.12.021; and adding a new section to chapter 53.12 RCW.

Referred to Committee on Local Government.

HB 1921 by Representatives Hankins, Cooper, Romero, Wood, Murray, Jarrett and Dickerson

AN ACT Relating to transportation funding; adding a new section to chapter 46.16 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 43.43 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1922 by Representatives O'Brien and Kenney

AN ACT Relating to fees charged to law enforcement agencies for certified copies of records concerning sex offenders; and amending RCW 36.18.020.

Referred to Committee on Judiciary.

HB 1923 by Representatives O'Brien, Upthegrove and McDermott

AN ACT Relating to county and city coordination of comprehensive plan reviews; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

HB 1924 by Representatives Lantz, Rockefeller, Haigh, Eickmeyer, Conway, Miloscia, Morrell and Veloria

AN ACT Relating to the accumulation of sick leave for educational employees; and amending RCW 28A.400.300.

Referred to Committee on Education.

HB 1925 by Representatives Nixon, Jarrett, Dunshee and Pettigrew

AN ACT Relating to the process for election to Washington state and federal elective office; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1926 by Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

AN ACT Relating to expert witnesses in actions under chapter 7.70 RCW; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 1927 by Representatives Lantz, Schual-Berke, Clibborn, Campbell, Moeller, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

AN ACT Relating to the mandatory mediation and mandatory arbitration of health care claims; amending RCW 7.70.100; and reenacting and amending RCW 7.06.020.

Referred to Committee on Judiciary.

HB 1928 by Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

AN ACT Relating to parties liable for damages in actions under chapter 7.70 RCW; amending RCW 4.22.070 and 70.105.112; adding new sections to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1929 by Representatives Lantz, Carrell, Cody, McMahan, Schual-Berke, Clibborn, Kessler, Newhouse, Campbell, Moeller, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

AN ACT Relating to the eight-year statute of repose in RCW 4.16.350; reenacting RCW 4.16.350; and creating a new section.

Referred to Committee on Judiciary.

HB 1930 by Representatives Morris, Cairnes, Gombosky and Ericksen

AN ACT Relating to restricting the ability of tobacco product manufacturers, wholesalers, and distributors and other persons to violate or to facilitate the violation of chapter 70.157 RCW; amending RCW 82.24.130 and 82.24.145; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1931 by Representatives Lantz, Hankins, Chase, Dunshee, Flannigan, Veloria and Haigh

AN ACT Relating to providing law enforcement officers with training in interaction with people with developmental disabilities and mental illness; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1932 by Representatives Lantz, Delvin, Dunshee, Mielke, Chase, Moeller, O'Brien and Edwards

AN ACT Relating to electronic recording of custodial interrogations; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 1933 by Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander

AN ACT Relating to the integration of shoreline management policies with the growth management act; and amending RCW 90.58.020 and 36.70A.480.

Referred to Committee on Local Government.

HB 1934 by Representative McCoy

AN ACT Relating to prohibiting the administration of credit card applications on campuses of institutions of higher education; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

HB 1935 by Representatives Haigh, Ahern and Hatfield

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

Referred to Committee on Education.



HB 1936 by Representatives Carrell, McCoy, O'Brien and Lovick

AN ACT Relating to the tribal law enforcement officers act of 2003; and adding a new chapter to Title 10 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1937 by Representatives Murray, Holmquist, Romero and Hankins

AN ACT Relating to power wheelchairs; amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.400, 46.04.670, 46.20.500, and 47.04.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1938 by Representatives Murray, McDermott, Cody, Upthegrove, Romero, Darneille, Moeller, Santos, Hunt, Edwards, Wallace and Kenney

AN ACT Relating to malicious harassment; and amending RCW 9A.36.080.

Referred to Committee on Criminal Justice & Corrections.

HB 1939 by Representatives Murray, McDermott, Cody, Upthegrove, Romero, Darneille, Moeller, Santos, Ruderman, Hunt, Edwards, Kenney and Dickerson

AN ACT Relating to civil unions; amending RCW 26.04.020, 26.12.220, 36.18.010, 43.70.150, 43.70.160, 70.58.005, 70.58.104, 70.58.107, and 9A.64.010; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 1940 by Representatives Newhouse, Lovick, Carrell, Moeller, Campbell, Lantz, McMahan, Kirby and Edwards

AN ACT Relating to sex offenses against children; adding new sections to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1941 by Representatives O'Brien, Mielke, Darneille, Pearson, Ahern, Lovick, Edwards and McMahan

AN ACT Relating to providing for financial restitution to sexual assault programs from inmate funds and wages; and amending RCW 72.09.111.

Referred to Committee on Criminal Justice & Corrections.

HB 1942 by Representatives Cooper, Rockefeller, Campbell, O'Brien, Sullivan, Dunshee, Wood, Ruderman, Romero, Dickerson, Edwards and Linville

AN ACT Relating to electronic waste; adding a new section to chapter 70.95 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1943 by Representatives McIntire, Delvin, Conway, Gombosky, Armstrong, Clements, Edwards and Kenney

AN ACT Relating to the regulation of counterfeit cigarettes and forfeiture; amending RCW 82.24.020, 82.24.030, 82.24.040, 82.24.050, 82.24.110, 82.24.130, 82.24.250, 82.24.260, and 82.24.500; adding a new section to chapter 82.24 RCW; and prescribing penalties.

Referred to Committee on Finance.

HB 1944 by Representatives Hudgins, Campbell, Kenney, Conway, Wood, Upthegrove, Flannigan, McCoy, Cooper, Berkey, Simpson, Hunt, Romero, Veloria, Dunshee, Cody and Edwards

AN ACT Relating to notice of mass layoffs, relocations, and terminations; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1945 by Representatives Benson, Linville and Edwards

AN ACT Relating to capital rate add-on payments for boarding homes; adding a new section to chapter 74.39A RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1946 by Representatives Darneille, Skinner, Rockefeller and Edwards

AN ACT Relating to lives of assets under the nursing facility payment system; and amending RCW 74.46.370.

Referred to Committee on Health Care.

HB 1947 by Representatives McIntire, Hunt, Kagi, Clements, Hankins, Boldt, Pflug, Alexander, DeBolt, Linville, Grant, Pettigrew, Chase, Simpson, Mielke, Rockefeller and Edwards

AN ACT Relating to funding restrictions for the Washington WorkFirst program; and amending RCW 74.08A.340.

Referred to Committee on Appropriations.

HB 1948 by Representatives Grant, Woods, DeBolt, Sommers, Mielke, Fromhold, Buck, Gombosky, Alexander, Ruderman, Clements, O'Brien, Ahern, Hunt, Boldt, Quall, Cairnes, Kirby, Delvin, Sullivan, Orcutt, Romero, Nixon, Eickmeyer, Campbell, Morris, Cooper and Schoesler

AN ACT Relating to the approval, licensing, and playing of electronic scratch ticket games and systems by bona fide charitable or nonprofit organizations; persons, associations, or organizations operating a business primarily engaged in the selling of food or drink for consumption on the premises; phase II house-banked card rooms operating at least five house-banked card tables; and class 1 horse racing facilities in operation for at least one year; amending RCW 9.46.010, 9.46.0311, 9.46.0325, and 9.46.070; adding a new section to chapter 9.46 RCW; adding a new chapter to Title 9 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJM 4018 by Representatives Blake, Veloria and Kenney

Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses.

Referred to Committee on Trade & Economic Development.

SSB 5088 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Regala, Winsley, Franklin and Fraser)

AN ACT Relating to certain lands in Tacoma used for school and playground purposes; amending 1907 c 123 s 2 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SB 5134 by Senators Carlson, Zarelli, Kohl-Welles, Schmidt, Horn and Shin

AN ACT Relating to border county higher education opportunities; amending RCW 28B.80.805, 28B.80.806, 28B.80.807, and 28B.15.0139; repealing 2002 c 130 s 7 (uncodified); repealing 2002 c 130 s 6 and 1999 c 320 s 6 (uncodified); and repealing 2002 c 130 s 5 and 2000 c 160 s 4 (uncodified).

Referred to Committee on Higher Education.

SB 5156 by Senators Winsley, Fraser, Jacobsen and Haugen

AN ACT Relating to the combined fund drive; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government.

SB 5211 by Senators Kohl-Welles, Winsley, Fairley, Prentice, Benton and Keiser

AN ACT Relating to collection agencies; and reenacting and amending RCW 19.16.100.

Referred to Committee on Financial Institutions & Insurance.

SJM 8001 by Senators Fraser and Morton

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Technology, Telecommunications & Energy.

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

## **REPORTS OF STANDING COMMITTEES**

HB 1032 Prime Sponsor, Representative Veloria: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Appropriations

February 13, 2003

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

February 12, 2003

HB 1056 Prime Sponsor, Representative Simpson: Notifying home buyers of where information regarding registered sex offenders may be obtained. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1110 Prime Sponsor, Representative Newhouse: Increasing the monthly pensions for volunteer fire fighters and reserve officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1191 Prime Sponsor, Representative Fromhold: Offering health care benefit plans to school district employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1196 Prime Sponsor, Representative Simpson: Including hospital districts in the definition of "local government" for chapter 39.96 RCW. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1200 Prime Sponsor, Representative Conway: Correcting retirement system statutes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1226 Prime Sponsor, Representative Moeller: Authorizing service of summons for persons not found in this state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1264 Prime Sponsor, Representative Sump: Defining "nonmineral ownership interest" with respect to dedicating plats and subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1275 Prime Sponsor, Representative Darneille: Transferring the human immunodeficiency virus insurance program to the department of health. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1276 Prime Sponsor, Representative Cody: Authorizing the horse racing commission to continue receiving criminal history information. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1279 Prime Sponsor, Representative Lantz: Revising provisions for committees of members of nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1291 Prime Sponsor, Representative Blake: Providing for elections for flood control zone district supervisors. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1298 Prime Sponsor, Representative Sommers: Vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees'

retirement system, and the teachers' retirement system plan 3. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1299 Prime Sponsor, Representative Cody: Providing for evidence-based health services purchasing by state purchased health care programs. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1356 Prime Sponsor, Representative Dunshee: Updating utilities and transportation commission regulatory fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1399 Prime Sponsor, Representative Clibborn: Requiring the disclosure of gifts made by pharmaceutical manufacturers to persons who prescribe prescription drugs. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1409 Prime Sponsor, Representative Upthegrove: Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump,

Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1461 Prime Sponsor, Representative Schual-Berke: Regulating stem cell research and human cloning. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell and Skinner.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1494 Prime Sponsor, Representative Delvin: Allowing state and local governments to sell and lease property to foreign entities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1503 Prime Sponsor, Representative Miloscia: Encouraging the office of the administrator for the courts to conduct performance audits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Appropriations.

February 13, 2003

HB 1509 Prime Sponsor, Representative Skinner: Establishing the economic development commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; Pettigrew and Priest.

Referred to Committee on Appropriations.

February 13, 2003

HB 1556 Prime Sponsor, Representative Moeller: Authorizing one additional district court judge for Clark county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of House Bill No. 1032 which was placed on the Second Reading calendar.

There being no objection, the rules were suspended, the Committee on Transportation was relieved of House Joint Memorial No. 4016, and the memorial was placed on the Second Reading calendar.

## **SECOND READING**

**HOUSE JOINT MEMORIAL NO. 4016, By Representatives Wood, Benson, Gombosky, Cox, Schoesler, Ahern, Schindler, Crouse, Sump, Skinner, Santos and McDermott**

**Designating the Michael P. Anderson Memorial Highway.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Wood and Schoesler spoke in favor of passage of the memorial.

## **MOTIONS**

On motion of Representative Clements, Representatives Buck and Mastin were excused. On motion of Representative Santos, Representative Quall was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4016.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4016 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Buck, Mastin and Quall - 3.

HOUSE JOINT MEMORIAL NO. 4016, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 18, 2003, the 37<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE



THIRTY SIXTH DAY, FEBRUARY 17, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**THIRTY SEVENTH DAY**

---

House Chamber, Olympia, Tuesday, February 18, 2003

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

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4620, By Representatives Chopp, Kessler, Lovick, Fromhold, Newhouse, Wallace, Orcutt, Mielke and Moeller

WHEREAS, It is the tradition of the Washington State House of Representatives to acknowledge heroic acts by citizens of our state; and

WHEREAS, Vancouver Naval Sea Cadet Charles Stauder III, without regard for his own safety, responded quickly, heroically, and with great determination recently in preventing and warding off tragedy during an overnight Sea Cadet drill; and

WHEREAS, Cadet Stauder, a twelve-year-old student at Discovery Middle School in Vancouver, discovered dense and very threatening smoke in his barrack's galley; and

WHEREAS, A young man with fortitude and quick-thinking skills far beyond his years, Cadet Stauder raced to alert damage-control personnel and then secured a fire extinguisher to put out the fire himself; and

WHEREAS, Cadet Stauder was awarded the Distinguished Service Ribbon for Heroism for his courageous and beneficent devotion both to his shipmates and to the highest, most honorable traditions of the United States Navy and the United States Naval Sea Cadet Corps; and

WHEREAS, This Vancouver hero, already a three-year veteran as a junior Sea Cadet, will receive a well-earned promotion to the Fort Vancouver Sea Cadet Senior Division when he attains his thirteenth birthday; and

WHEREAS, Cadet Stauder, a student at Discovery Middle School in Vancouver, was warmly saluted by the Commanding Officer of the Fort Vancouver Division; and

WHEREAS, The leadership of the Sea Cadets exhibited by this young man's heroic response to a very dangerous situation was "in keeping with the highest traditions of the United States Navy and the United States Naval Sea Cadet Corps," and further Cadet Stauder's heroism also brings "great credit upon himself, his family, and the Corps"; and

WHEREAS, Cadet Stauder and his peers in the Sea Cadets learn about courage, self-reliance, confidence, patriotism, and other admirable qualities in their service in the Naval Sea Cadet organization;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the spirit, the courage, and the mettle of Naval Sea Cadet Charles Stauder III; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Naval Sea Cadet Charles Stauder III and his family, to the Fort Vancouver Sea Cadet Division, and to Discovery Middle School.

HOUSE RESOLUTION NO. 4620 was adopted.

HOUSE RESOLUTION NO. 2003-4621, By Representatives Alexander and DeBolt

WHEREAS, It is the policy of the people of the State of Washington to recognize excellence in all fields of endeavor; and

WHEREAS, Andy Wilson has exhibited the highest level of excellence in his commitment to freedom, truth, justice, good government, and basic American values throughout his entire life; and

WHEREAS, Andy Wilson was born in Central City, Nebraska, and raised in Long Beach, California, learning the traditions and ethics that made the United States the greatest country in the history of the world; and

WHEREAS, Andy Wilson was a member of the United States Armed Forces and served his nation and fellow citizens bravely, without complaint and without reservation, risking his health and life so that our own homes, families, and communities could enjoy the blessing of liberty and be safe from enemies abroad; and

WHEREAS, The residents of Washington state deeply admire and appreciate all the valiant men and women in uniform who so gallantly and proudly serve and protect us so well; and

WHEREAS, Andy Wilson is an active member of the American Legion, an organization, "Associating together for God and Country for the purposes of upholding and defending the Constitution of the United States of America; maintaining law and order; fostering and perpetuating remembrance of great wars; inculcating a sense of individual obligation to the community, state and nation; combating the autocracy of both the classes and the masses; making right the master of might; promoting peace and goodwill on earth; safeguarding and transmitting to posterity the principles of justice, freedom and democracy; and consecrating and sanctifying our comradeship by our devotion to mutual helpfulness"; and

WHEREAS, Andy Wilson has served with distinction and exercised dignity, decency, integrity, and wisdom as former Mayor of Vader, Washington, and current member of the Vader City Council; and

WHEREAS, Andy Wilson has given much to the people of this state and country throughout the years of his tireless and prolific service by providing honest, intelligent, knowledgeable, articulate, personable, and fair-minded service; and

WHEREAS, Andy Wilson's high level of excellence and ongoing service to his community is a direct result of his steadfast professionalism, unyielding dedication, enduring perseverance, and selfless motivation; and

WHEREAS, Andy Wilson is a source of great pride to the people of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That Andy Wilson be honored for the dedicated service that characterizes his life's work, for the outstanding example of diligence, integrity, and excellence he has set for others, and for the hope that his future endeavors will bring him even greater levels of satisfaction and success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Andy Wilson.

HOUSE RESOLUTION NO. 4621 was adopted.

HOUSE RESOLUTION NO. 2003-4622, By Representatives Dickerson, Romero, Wallace, Darneille, Murray, Morrell, Conway, Clibborn, Moeller and Cody

WHEREAS, One out of every four deaths in Washington State is caused by cancer; and

WHEREAS, Cancer is the second leading cause of death in Washington State for all residents; and

WHEREAS, Cancer is the leading cause of death among adults 45-74 years of age in Washington State; and

WHEREAS, One out of every two men and one out of every three women will get cancer in their lifetime; and

WHEREAS, Approximately 30,000 people in Washington State will get cancer in 2003; and

WHEREAS, Over 10,000 people in Washington State will die from cancer in 2003; and

WHEREAS, Comprehensive Cancer Control is an integrated and coordinated approach to reducing cancer incidence, morbidity, and mortality through prevention, early detection, treatment, rehabilitation, and palliation; and

WHEREAS, The Washington State Comprehensive Cancer Control Partnership is a voluntary statewide, multidisciplinary group working to develop a state plan by June 2003;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Comprehensive Cancer Control Partnership and its goal to reduce the burden of cancer on the population of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Governor and to Representative Paul Sanders, Chairman of the Washington State Prostate Cancer Coalition.

HOUSE RESOLUTION NO. 4622 was adopted.

### **INTRODUCTION & FIRST READING**

HB 1949 by Representatives Nixon and Wood

AN ACT Relating to providing financial assistance for victims of domestic violence seeking protection orders; amending RCW 26.50.060; and adding a new section to chapter 10.14 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1950 by Representative Nixon

AN ACT Relating to transfer of vehicle ownership upon the death of the registered owner; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

HB 1951 by Representatives Buck, Grant, Clements, Schoesler, Sump, Kessler and McMahan

AN ACT Relating to limiting the scope of electrical work subject to licensing, certification, permitting, and inspection requirements; amending RCW 19.28.006, 19.28.010, 19.28.021, 19.28.041, 19.28.051, 19.28.081, 19.28.091, 19.28.101, 19.28.141, 19.28.151, 19.28.161, 19.28.191, 19.28.261, 19.28.271, 19.28.311, 19.28.341, and 19.28.361; adding a new section to chapter 19.28 RCW; and repealing RCW 19.28.301, 19.28.400, 19.28.410, 19.28.420, 19.28.430, 19.28.440, 19.28.450, 19.28.460, 19.28.470, 19.28.480, 19.28.490, 19.28.501, 19.28.511, 19.28.521, 19.28.531, 19.28.541, and 19.28.551.

Referred to Committee on Commerce & Labor.

HB 1952 by Representatives Hatfield, Blake and Cooper

AN ACT Relating to designation of highways of statewide significance; and amending RCW 47.05.022.

Referred to Committee on Transportation.

HB 1953 by Representatives Kagi, McIntire, Dickerson, Cody, Pflug, Schual-Berke, Anderson and Darneille

AN ACT Relating to administrative overhead costs of contract administration for state agencies, state offices, and institutions of higher education; amending RCW 39.34.020 and 39.34.130; adding a new section to chapter 39.34 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1954 by Representatives Moeller and McMahan

AN ACT Relating to compensation of a retired justice or judge acting as a judge pro tempore; and amending RCW 2.08.180.

Referred to Committee on Judiciary.

HB 1955 by Representatives Nixon, Sullivan, Anderson, Kristiansen, Tom and Berkey

AN ACT Relating to allowing the use of agricultural lands not currently being farmed as sites for recreational activities; and amending RCW 36.70A.060 and 36.70A.177.

Referred to Committee on Local Government.

HB 1956 by Representative Moeller

AN ACT Relating to indoor air quality; and amending RCW 70.160.020, 70.160.040, and 70.05.060.

Referred to Committee on Health Care.

HB 1957 by Representative Moeller

AN ACT Relating to removing concurrency requirements under the growth management act; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

HB 1958 by Representatives Lantz, Chase, Rockefeller, Dunshee and Hunt

AN ACT Relating to geoduck management; amending RCW 77.60.070 and 77.70.220; adding a new section to chapter 77.60 RCW; and creating new sections.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1959 by Representatives McDonald, Kirby, Shabro, Kristiansen and Condotta

AN ACT Relating to increasing the business and occupation tax credit for small businesses; amending RCW 82.04.4451; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1960 by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins

AN ACT Relating to regional transportation governance; amending RCW 35.58.2795, 36.120.090, 36.120.110, 36.120.140, 47.26.080, 47.26.086, 47.80.020, 47.80.030, 47.80.040, and 47.80.060; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1961 by Representatives Murray, Quall and Dickerson

AN ACT Relating to performance audits of regional transit authorities; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 1962 by Representatives Murray, Jarrett and Hudgins

AN ACT Relating to city transportation authorities for monorail transportation; amending RCW 35.95A.030 and 35.95A.120; adding a new section to chapter 35.95A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1963 by Representatives Murray, Ericksen and Dickerson

AN ACT Relating to selection of board members of a regional transit authority; amending RCW 81.112.030 and 81.112.040; and providing an effective date.

Referred to Committee on Transportation.

HB 1964 by Representatives Delvin and Hankins

AN ACT Relating to residential use of ground water; and amending RCW 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

HB 1965 by Representatives Delvin and Hinkle

AN ACT Relating to changing the age of consent for minors receiving outpatient mental health treatment; amending RCW 71.34.030 and 71.34.054; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 1966 by Representatives Kirby, McMahan, Chase, Cairnes, McIntire, Carrell and Darneille

AN ACT Relating to the practice of soil science; amending RCW 18.220.010 and 18.220.190; adding a new section to chapter 18.220 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1967 by Representatives Haigh, Miloscia and Hunt; by request of Department of General Administration

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on State Government.

HB 1968 by Representatives O'Brien, Cooper, Romero, Kessler, Carrell, Delvin and Lantz

AN ACT Relating to the use of body-gripping traps as they apply to moles, gophers, and mountain beavers; and amending RCW 77.15.192 and 77.15.194.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1969 by Representatives O'Brien, Delvin and Lantz

AN ACT Relating to admissibility of statements made by persons with developmental disabilities; and amending RCW 9A.44.120.

Referred to Committee on Judiciary.

HB 1970 by Representatives Schual-Berke, Cox, Talcott, Anderson, Veloria, Skinner, McDermott, Sullivan, Kagi, Quall and Haigh

AN ACT Relating to world languages; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Education.

HB 1971 by Representatives Dickerson, Kagi, Pettigrew, Miloscia, Fromhold, Darneille, Shabro, Orcutt, Bailey, Schual-Berke and Kenney

AN ACT Relating to deaf education; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1972 by Representative Hatfield

AN ACT Relating to the accounting of the commercial harvest of food fish; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1973 by Representatives Veloria, McCoy and Kenney

AN ACT Relating to promoting tourism; adding a new section to chapter 43.31 RCW; creating a new section; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 1974 by Representatives Mielke, Sullivan and McMahan

AN ACT Relating to conduct of law enforcement officers; adding a new section to chapter 43.43 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1975 by Representatives Mielke, Sullivan, Ahern and Schindler

AN ACT Relating to raising revenues to construct bicycle lanes; amending RCW 46.04.670, 46.16.010, 46.16.230, 46.16.260, 46.68.030, and 82.80.020; adding new sections to chapter 47.30 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1976 by Representatives Conway, Pettigrew, Talcott, Mielke, McCoy, Bush and Haigh

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1977 by Representatives Grant, DeBolt, Orcutt and Roach

AN ACT Relating to clarifying the intentions of Senate Bill No. 6835, chapter 367, Laws of 2002; amending RCW 82.12.010, 82.12.020, 82.12.0254, 82.12.0255, 82.12.02565, 82.12.02567, 82.12.0259, 82.12.0277, 82.12.0279, 82.12.0315, 82.12.02595, 82.12.810, 82.12.820, 82.12.840, 82.12.890, 82.12.900, and 82.12.0251; adding a new section to chapter 82.12 RCW; creating a new section; repealing RCW 82.12.0252; and declaring an emergency.

Referred to Committee on Finance.

HB 1978 by Representatives Morrell, Conway, Cody, Darneille, Schual-Berke, Wood and Haigh

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 1979 by Representatives Ruderman, Schual-Berke, Cody, Moeller, Morrell, Darneille, Romero, Kenney and McIntire

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; amending RCW 70.160.080; and creating a new section.

Referred to Committee on Local Government.

HB 1980 by Representative Boldt

AN ACT Relating to work activity requirements under the temporary assistance for needy families program; and amending RCW 74.08A.260.

Referred to Committee on Children & Family Services.

HB 1981 by Representative Dickerson

AN ACT Relating to establishing the joint task force on child death investigations; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1982 by Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia

AN ACT Relating to disclosure of information concerning sex offenders and kidnapping offenders; amending RCW 4.24.550; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1983 by Representatives Edwards, Ahern, Kirby, Cairnes, Eickmeyer, Conway, Bush, O'Brien, Carrell, Chase, Ericksen, Campbell, Cody, Lovick, Veloria, Pettigrew and Kenney

AN ACT Relating to the state building code; and amending RCW 19.27.031.

Referred to Committee on Local Government.

HB 1984 by Representatives Kagi and Darneille

AN ACT Relating to school district salary allocations; amending RCW 28A.150.410 and 28A.400.205; adding new sections to chapter 28A.400 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1985 by Representatives Nixon, Shabro and Bush

AN ACT Relating to allowing caucuses on the basis of political party affiliation under the Open Public Meetings Act; adding a new section to chapter 42.30 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1986 by Representatives Gombosky, Cox, Kenney, Chase, Jarrett and McIntire

AN ACT Relating to the running start program; amending RCW 28A.600.310; and providing an effective date.

Referred to Committee on Education.

HB 1987 by Representatives Miloscia, Haigh, Veloria, Conway, Flannigan, Blake, Ruderman, McCoy, Eickmeyer and Lovick

AN ACT Relating to debarment of contractors; adding new sections to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1988 by Representatives Quall, McDermott, Haigh, Kenney, Hunt and Rockefeller; by request of Governor Locke and Superintendent of Public Instruction

AN ACT Relating to the certificate of mastery; amending RCW 28A.230.090, 28A.655.030, 28A.655.060, and 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1989 by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke

AN ACT Relating to the learning assistance program; adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090.

Referred to Committee on Education.

HB 1990 by Representatives Quall, Talcott, Kenney, Rockefeller and McDermott; by request of Governor Locke

AN ACT Relating to the assessment of essential academic learning requirements in communication, social studies, civics, arts, and health and fitness; and amending RCW 28A.655.060.

Referred to Committee on Education.

HB 1991 by Representatives Kagi, Pettigrew, Boldt, Bailey, Darneille and Wood



AN ACT Relating to victims of family violence among applicants and recipients of temporary assistance for needy families; and amending RCW 74.08A.010, 74.08A.260, 74.08A.270, 74.08A.275, and 74.08A.280.

Referred to Committee on Children & Family Services.

HB 1992 by Representatives Schual-Berke and Upthegrove

AN ACT Relating to recall elections; amending RCW 29.82.010 and 29.82.030; and providing a contingent effective date.

Referred to Committee on State Government.

HB 1993 by Representatives Cooper, Sump, Berkey and Hinkle

AN ACT Relating to increasing the term for leasing in undeveloped parks or parkway land; and amending RCW 79A.05.070.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1994 by Representatives Cooper, O'Brien and Rockefeller

AN ACT Relating to the pesticide ingredient clopyralid; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 1995 by Representative Quall

AN ACT Relating to school districts' property; and amending RCW 28A.335.060 and 28A.335.130.

Referred to Committee on Education.

HJR 4211 by Representatives Schual-Berke and Upthegrove

Amending the Constitution to permit recall for campaign finance violations.

Referred to Committee on State Government.

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

## **REPORTS OF STANDING COMMITTEES**

February 13, 2003

HB 1036 Prime Sponsor, Representative Hatfield: Modifying subagent authority to process mail-in vehicle registration renewals. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1064 Prime Sponsor, Representative Eickmeyer: Authorizing the use of signs, banners, or decorations over highways under limited circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1086 Prime Sponsor, Representative Morris: Moving mobile homes by mobile home park owners. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1088 Prime Sponsor, Representative Fromhold: Authorizing removal of vehicles from restricted parking zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1102 Prime Sponsor, Representative Murray: Revising the provision for exchange agreements for environmental mitigation sites. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1114 Prime Sponsor, Representative Hinkle: Extending school or playground speed zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1124 Prime Sponsor, Representative Conway: Designating veterans' history awareness month.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1159 Prime Sponsor, Representative Miloscia: Reorganizing election laws. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1169 Prime Sponsor, Representative Hunt: Revising the requirements for obtaining signatures on an initiative or referendum petition. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Shabro, Assistant Ranking Minority Member; Nixon.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1178 Prime Sponsor, Representative Schual-Berke: Requiring medically accurate information in sex education courses. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1211 Prime Sponsor, Representative Conway: Modifying accountability requirements under the public accountancy act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

Referred to Committee on Appropriations.

February 14, 2003

HB 1216 Prime Sponsor, Representative Pearson: Creating a law enforcement mobilization policy board and plan. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 14, 2003

HB 1232 Prime Sponsor, Representative Kirby: Requiring jail booking fees to be based on actual costs. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1248 Prime Sponsor, Representative Linville: Concerning the relocation of harbor lines. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1257 Prime Sponsor, Representative Carrell: Using dogs for fighting. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1258 Prime Sponsor, Representative Carrell: Committing sexually violent predators. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1269 Prime Sponsor, Representative Linville: Regulating structural pest inspectors. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1294 Prime Sponsor, Representative McDermott: Revising campaign finance reporting requirements for out-of-state political committees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1310 Prime Sponsor, Representative Shabro: Providing businesses with notice of administrative rules. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 13, 2003

HB 1318 Prime Sponsor, Representative Darneille: Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1334 Prime Sponsor, Representative Haigh: Requiring cost and benefit assessments early in the rule-making process. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1352 Prime Sponsor, Representative Murray: Apportioning railroad crossing installation and maintenance costs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1353 Prime Sponsor, Representative Murray: Modifying the route description of state route 513. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1360 Prime Sponsor, Representative Ruderman: Changing membership on the information services board. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1379 Prime Sponsor, Representative Ericksen: Authorizing agreements for traffic control. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Kristiansen; Lovick; Mielke; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan; Hankins; Hatfield; Hudgins and Morris.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1391 Prime Sponsor, Representative Kagi: Adjusting procedures for postconviction DNA testing. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1392 Prime Sponsor, Representative Kagi: Consolidating drug sentencing laws. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1393 Prime Sponsor, Representative O'Brien: Expanding the first-time offender waiver. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

February 13, 2003

HB 1395 Prime Sponsor, Representative Sullivan: Concerning the catering of alcoholic beverages at special events by nonprofit organizations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 18, after "service at" strike "special ((~~occasion~~))" and insert "((~~special occasion~~))"

On page 2, at the beginning of line 4, strike "special"

On page 2, line 5, after "organization" insert "as defined by RCW 66.24.375"

On page 2, line 5, after "at the" strike "special"

On page 2, line 8, after "organization" insert "as defined by RCW 66.24.375"

On page 5, beginning on line 3, after "service at" strike "special ((~~occasion~~))" and insert "((~~special occasion~~))"

On page 5, at the beginning of line 8, strike "special"

On page 5, line 9, after "organization" insert "as defined by RCW 66.24.375"

On page 5, line 9, after "at the" strike "special"

On page 5, line 12, after "organization" insert "as defined by RCW 66.24.375"

On page 6, at the beginning of line 11, after "at" strike "special ((~~occasion~~))" and insert "((~~special occasion~~))"

On page 6, at the beginning of line 15, strike "special"

On page 6, line 16, after "organization" insert "as defined by RCW 66.24.375"

On page 6, line 16, after "at the" strike "special"

On page 6, line 19, after "organization" insert "as defined by RCW 66.24.375"

On page 7, beginning on line 1, strike all of section 4

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and Kenney.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1433 Prime Sponsor, Representative Cooper: Designating highways of statewide significance.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1459 Prime Sponsor, Representative Pettigrew: Allowing limited marketing of bottled wine at farmers markets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and Kenney.

Passed to Committee on Rules for second reading.

February 14, 2003

HB 1485 Prime Sponsor, Representative Lovick: Changing provisions relating to auto theft. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Referred to Committee on Appropriations.

February 14, 2003

HB 1550 Prime Sponsor, Representative Linville: Revising the duties of and renaming the office of permit assistance. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 14, 2003

HB 1624 Prime Sponsor, Representative Hudgins: Modifying provisions of the Washington telephone assistance program. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

February 13, 2003

HB 1637 Prime Sponsor, Representative Wood: Promoting education on compulsive gambling. Reported by Committee on Commerce & Labor



MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1647 Prime Sponsor, Representative Conway: Regarding the prohibition of the lawful sale of liquor on University of Washington grounds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and Kenney.

Passed to Committee on Rules for second reading.

February 14, 2003

HJM 4007 Prime Sponsor, Representative Hinkle: Requesting the issuance of an American coalminers stamp. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1334 and House Bill No. 1550 which were placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 19, 2003, the 38<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY SEVENTH DAY, FEBRUARY 18, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**THIRTY EIGHTH DAY**

---

House Chamber, Olympia, Wednesday, February 19, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Nisei Veterans Committee Color Guard. Prayer was offered by Archbishop Alexander Brunett, Archdiocese of Western Washington.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2003-4626, By Representatives Santos, Veloria, Kenney, Pettigrew, McCoy, Lovick, Moeller, Morris, Chase, Linville, Dickerson, Romero, Conway, Gombosky, Holmquist, Wallace, Haigh, Darneille, Fromhold, Sommers, Simpson, Murray, Cody, Dunshee, Hunter, Quall, Hunt, Hudgins, McIntire, Upthegrove, Edwards, Rockefeller, Lantz, Wood, Kirby, Cooper, Sullivan, Berkey, Kagi, Woods, Condotta, Sump, Armstrong, Shabro, Schoesler, Nixon, Alexander, Anderson, Newhouse, Clements, Jarrett, Priest, Kessler, Grant, Ruderman, Schual-Berke, Chopp, McDermott, Ericksen, O'Brien, Skinner and Talcott

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment caused the Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Hindsight has proven that the predominant factor that actually led to the internment of Japanese-Americans was not "military necessity" to protect the United States from possible espionage or sabotage, but was the result of "race prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause in their endeavors on February 19, 2003, to acknowledge the sixty-first anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees from the state of Washington and honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, and the Japanese- American Citizens League.

HOUSE RESOLUTION NO. 4626 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding): "The speaker wishes to acknowledge that February 19th has been designated as a Day of Remembrance, a day to observe the anniversary of the signing of Executive Order 9066, which authorized a very painful chapter in the history of our country -- the evacuation, relocation, and internment of more than 120,000 Japanese Americans during World War II.

The Speaker would note that Japanese-American residents of Bainbridge Island were the very first in the nation to be subject to this order. The Speaker further recognizes the hundreds of valiant men and women from Washington State who served with honor and distinction in the 100th Battalion, 442nd Regimental Combat Team, and the Military Intelligence Service.

We are eternally grateful to these veterans for fighting to protect our rights and freedoms, and for honoring the Washington State House of Representatives with this morning's color guard. We are honored by your presence.

The Day of Remembrance is a time to remember what happened to loyal American citizens during World War II and to pledge never again to surrender our principles or our people to fear."

### MESSAGE FROM THE SENATE

February 18, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
SENATE BILL NO. 5095,  
SENATE BILL NO. 5096,  
ENGROSSED SENATE BILL NO. 5161,  
SUBSTITUTE SENATE BILL NO. 5165,  
SUBSTITUTE SENATE BILL NO. 5236,  
SENATE BILL NO. 5244,  
SENATE BILL NO. 5271,  
SUBSTITUTE SENATE BILL NO. 5327,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### INTRODUCTION & FIRST READING

HB 1996 by Representatives Morrell, McDonald and Kagi

AN ACT Relating to clarifying that building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, are eligible for local funds; and amending RCW 36.22.178.

Referred to Committee on Local Government.

HB 1997 by Representatives Cox, Priest, Kenney, Jarrett, Clements, Fromhold, Buck, Moeller, Edwards and Chase

AN ACT Relating to providing assistance to institutions of higher education in managing overenrollment of students; amending RCW 28B.15.012 and 28B.15.013; adding new sections to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1998 by Representatives Delvin, Lovick, O'Brien, Clements, Eickmeyer, Dickerson, Pettigrew, Roach, Schoesler, Newhouse, Armstrong, Hinkle, Cooper, Conway, Murray, Hatfield, Simpson, Hankins, Kenney and Edwards

AN ACT Relating to examinations for promotions in the state patrol; and amending RCW 43.43.330 and 43.43.350.

Referred to Committee on State Government.

HB 1999 by Representatives Grant, Schoesler, Linville, Chandler, Morris, Hunt and Holmquist

AN ACT Relating to nonuse of water for water conservation measures; amending RCW 90.03.380; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Natural Resources.

HB 2000 by Representatives Pettigrew, Dickerson, McCoy, Kenney and Santos

AN ACT Relating to third-party custody proceedings involving the Indian Child Welfare Act; amending RCW 13.04.030, 13.34.245, and 26.10.130; and adding a new section to chapter 26.10 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2001 by Representatives Murray, Skinner and Hudgins

AN ACT Relating to property tax exemptions for nonprofit organizations supporting artists; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2002 by Representatives Kirby, Orcutt, Mielke, Murray, Hinkle, Dunshee, Armstrong, Newhouse, Holmquist, Clements, Talcott, Condotta, Blake, Wood, Morrell, Kagi and Hudgins

AN ACT Relating to preventing the use of law enforcement profiling on the basis of whether a person is riding a motorcycle or wearing motorcycle-related paraphernalia; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2003 by Representatives Veloria, Chase and Santos

AN ACT Relating to equal access and opportunity in public employment, public education, and public contracting; and repealing RCW 49.60.400 and 49.60.401.

Referred to Committee on Judiciary.

HB 2004 by Representatives Hudgins, Veloria and Upthegrove

AN ACT Relating to the alignment of state route number 99; and amending RCW 47.17.160.

Referred to Committee on Transportation.

HB 2005 by Representatives Gombosky, Schindler, Cairnes, Sump, Cox, Crouse, Wood, Clements and Edwards

AN ACT Relating to tax deductions and exemptions for postage costs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2006 by Representatives Schindler, Gombosky, Ahern, Sump, Wood, Jarrett, Crouse, Pearson, Clements, Ericksen and Moeller

AN ACT Relating to nuisance abatement powers of county governments; and amending RCW 36.32.120.

Referred to Committee on Local Government.

HB 2007 by Representatives Nixon, Ruderman, Bush, Dickerson and Hudgins

AN ACT Relating to commercial text messages; amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2008 by Representatives Boldt, Schindler and McMahan

AN ACT Relating to protecting an unborn quick child from harm by the use of any illicit drugs such as cocaine, methamphetamines, and heroin; amending RCW 9A.42.010, 9A.42.020, and 9A.42.030; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2009 by Representatives Santos, McDermott, Moeller, Quall and Hudgins

AN ACT Relating to financial literacy; amending RCW 28A.230.020; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; and providing effective dates.

Referred to Committee on Education.

HB 2010 by Representatives McDermott, Hunt, Murray, Santos, Moeller, Edwards, Kagi, Darneille, Chase and Hudgins

AN ACT Relating to bereavement leave; amending RCW 41.06.133; reenacting and amending RCW 41.06.150; repealing 2002 c 110 s 1; providing effective dates; and providing an expiration date.

Referred to Committee on State Government.

HB 2011 by Representatives Schual-Berke, Campbell, Cody, Morrell, Benson, Edwards and Chase

AN ACT Relating to state agency contracts with pharmaceutical benefit management companies; amending RCW 41.05.011; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2012 by Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos

AN ACT Relating to a special services pilot program; adding a new section to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2013 by Representatives Pearson and Edwards

AN ACT Relating to allocating costs for railroad crossings of private roads; amending RCW 81.53.275; adding new sections to chapter 81.53 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2014 by Representatives Flannigan, Delvin, Kirby, Moeller, Lovick, Lantz, Simpson, Shabro, Edwards and Kagi

AN ACT Relating to insurance coverage for injuries sustained because of alcohol or narcotic use; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and repealing RCW 48.20.272.

Referred to Committee on Health Care.

HB 2015 by Representatives Kessler, Cody, Grant, Kenney, Ruderman, Edwards and Santos

AN ACT Relating to access to health insurance for small employers and their employees; amending RCW 48.21.045, 48.44.023, 48.46.066, 48.43.035, and 70.47.020; adding a new section to chapter 48.43 RCW; adding a new section to chapter 70.47 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2016 by Representatives Conway, Hudgins, Campbell, Cody, Kenney, Blake, Miloscia, Romero, Wallace, O'Brien, Wood, Chase, Simpson, Berkey, Darneille, Hunt, Moeller, Upthegrove, Edwards, Kagi and Santos

AN ACT Relating to employers that use public funds to encourage or discourage unionization; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 47.28 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2017 by Representatives Conway, Carrell and Darneille

AN ACT Relating to essential state community justice facilities; amending RCW 72.05.020, 72.05.400, 72.65.010, 72.65.220, and 36.70A.200; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.65 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2018 by Representatives Cody, Morrell, Santos, Darneille and Edwards

AN ACT Relating to the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.110.

Referred to Committee on Health Care.

HB 2019 by Representatives Cody, Morrell, Edwards, Santos and Dickerson

AN ACT Relating to nonsubsidized basic health plan coverage; amending RCW 70.47.020 and 70.47.060; and providing an effective date.

Referred to Committee on Health Care.

HB 2020 by Representatives Lantz, Benson, Veloria, Kessler, Mielke, Gombosky, Simpson, Cooper, Buck and Clibborn

AN ACT Relating to condominiums; amending RCW 64.34.308, 64.34.445, and 64.34.452; and creating a new section.

Referred to Committee on Judiciary.

HB 2021 by Representatives Wallace, Boldt, Moeller, Upthegrove and Kenney

AN ACT Relating to salvage vehicles; and amending RCW 46.12.005, 46.12.070, and 46.12.101.

Referred to Committee on Transportation.

HB 2022 by Representatives Pflug, Cody, Moeller, Talcott, Benson and Skinner

AN ACT Relating to eligibility for long-term care services under the medical assistance program; adding new sections to chapter 74.39A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2023 by Representative Linville

AN ACT Relating to the dairy nutrient management program; amending RCW 90.64.005, 90.64.010, 90.64.017, 90.64.023, 90.64.026, 90.64.028, 90.64.050, 90.64.080, 90.64.130, 90.64.140, 90.64.800, 90.64.810, and 90.64.811; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2024 by Representatives Mielke and Orcutt

AN ACT Relating to designation of highways of statewide significance; and amending RCW 47.05.022.

Referred to Committee on Transportation.

HB 2025 by Representatives Haigh, Hatfield, Darneille, Lovick, O'Brien, Romero and Blake

AN ACT Relating to mental illness; amending RCW 71.05.150; adding a new section to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2026 by Representatives Hunt, Shabro, McDermott, Nixon, Wallace, Armstrong, Simpson, Darneille, Moeller and Berkey

AN ACT Relating to daily counting of absentee ballots; amending RCW 29.62.020.

Referred to Committee on State Government.

HB 2027 by Representatives Kirby, Delvin, Morris, DeBolt and Sullivan

AN ACT Relating to seizing, shipping, and delivery of cigarettes through internet, telephonic, or other delivery services; adding a new chapter to Title 82 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2028 by Representatives Schoesler, Schindler, Buck and Mielke

AN ACT Relating to composition of the joint administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government.

HB 2029 by Representatives Schoesler, Schindler, Buck, Armstrong and Mielke

AN ACT Relating to legislative oversight of agency rules; and amending RCW 34.05.570, 34.05.610, 34.05.630, 34.05.640, and 34.05.660.

Referred to Committee on State Government.

HB 2030 by Representatives Kessler, Cairnes, Talcott, McDonald, Schindler, Shabro, Pearson and Holmquist; by request of Governor Locke

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness; adding new sections to chapter 35.21 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2031 by Representatives Clements, Grant, Chandler, Priest, Ericksen, Boldt, Cox, Armstrong, Delvin, Schindler, Nixon and Mielke

AN ACT Relating to directing the University of Washington to contract with private entities in the provision of student food services; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 41.06 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2032 by Representative Linville

AN ACT Relating to the work plan for instream flow setting through 2010; and adding a new section to chapter 90.54 RCW.

Referred to Committee on Agriculture & Natural Resources.

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

## **REPORTS OF STANDING COMMITTEES**

February 13, 2003

HB 1190 Prime Sponsor, Representative Quall: Changing provisions for classified staff in alternative certification programs. Reported by Committee on Education



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1193 Prime Sponsor, Representative Quall: Including a classified employee on the Washington professional educator standards board. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1212 Prime Sponsor, Representative Haigh: Providing for a simple majority of voters voting to authorize school district bonds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Tom, Assistant Ranking Minority Member; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson; Cox and McMahan.

Referred to Committee on Capital Budget.

February 13, 2003

HB 1229 Prime Sponsor, Representative Quall: Authorizing teachers' cottages in second class school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1363 Prime Sponsor, Representative McDermott: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 13, 2003

HB 1487 Prime Sponsor, Representative Haigh: Providing courses of study options in public high schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 13, 2003

HJR 4203 Prime Sponsor, Representative Haigh: Amending the Constitution to provide for a simple majority of voters voting to authorize a school district bond measure. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Tom, Assistant Ranking Minority Member; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson; Cox and McMahan.

Referred to Committee on Capital Budget.

February 13, 2003

HJR 4204 Prime Sponsor, Representative Haigh: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Cox and McMahan.

Passed to Committee on Rules for second reading.

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

## SECOND READING

**HOUSE BILL NO. 1148, By Representatives Dickerson, Delvin and O'Brien**

**Adopting the revised interstate compact for juveniles.**

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Juvenile Justice & Family Law were adopted. (For committee amendment, see Journal, 29<sup>th</sup> Day, February 10, 2003.)

Representative Carrell moved adoption of amendment (023):

On page 1, after line 4, insert the following:

"NEW SECTION. Sec. 1. (1) The legislature declares that: (a) As the elected representative of the people of the state, it is the legislature's responsibility to enact the laws that will govern the citizens of this state; and (b) the legislature's responsibility should not be delegated to representatives who were not elected by Washington citizens. While the legislature has authorized state agencies to promulgate rules, the legislature retains continued oversight over the rule-making process of those agencies.

(2) The legislature finds, therefore, that it would not be fulfilling its responsibilities to the citizens of this state to enact the Interstate Compact on Juveniles without provisions allowing the legislature to review and adopt as legislation the rules that will be created by the Interstate Commission."

On page 18, line 19, after "states" insert ", subject to section 2 of this act"

On page 18, after line 33, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 13.24 RCW to read as follows:

The adoption of this act shall not bind the state of Washington to the rules promulgated by the Interstate Commission unless and until the legislature of this state has enacted as legislation the same language provided in such rules."

Renumber the remaining sections accordingly and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

There being no objection, Representative Campbell was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (023) to House Bill No. 1148.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (023) to House Bill No. 1148, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kagi, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representative Campbell - 1.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Delvin and Dickerson (again) spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1148.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1148 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero,

Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Boldt, Cairnes, Carrell, Crouse, McMahan, Mielke, Orcutt, Roach, Schindler, Sump and Talcott - 11.

Excused: Representative Campbell - 1.

ENGROSSED HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1376, By Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney**

**Exempting the use of certain water storage facilities from the water code permitting requirements.**

The bill was read the second time.

With the consent of the House, amendments (020) and (019) were withdrawn.

Representative Chandler moved the adoption of amendment (018):

On page 2, beginning on line 10, strike all of subsection (4) and insert the following:

"(4) This section does not apply to the items and facilities described in RCW 90.03.270(7) or to the use of water from those items and facilities."

On page 4, line 29, after "(7)" insert "The following are exempt from the reservoir and secondary permit requirements of this chapter:

(a)"

On page 4, at the beginning of line 34, strike "(a)" and insert "(i)"

On page 4, at the beginning of line 36, strike "(b)" and insert "(ii)"

On page 4, line 36, after "use" insert ";

(b) Storm water management storage facilities if no beneficial use is made of the captured water; and  
(c) Excavated municipal water reservoirs, water towers, and other similar facilities that are integral to a water supply system's distribution system"

Representatives Chandler and Schoesler spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (018) to House Bill No. 1376.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (018) to House Bill No. 1376, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Flannigan, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representative Campbell - 1.

Representative Linville moved the adoption of amendment (024):

On page 4, after line 36, insert the following:

"(8) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right that applies to the property.

(9) In addition to the facilities exempted under subsection (8) of this section, this section does not apply to small irrigation impoundments. For purposes of this subsection, "small irrigation impoundments" means surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season; however, the limitations of this subsection (9) apply to such a carry over. Development and use of a small irrigation impoundment does not constitute a change or amendment for purposes of RCW 90.03.380 or 90.44.055.

**Sec. 3.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights

within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The development and use of a facility described in RCW 90.03.370(8) or of a small irrigation impoundment, as defined in RCW 90.03.370(9), does not constitute a change or amendment for the purposes of this section.

**Sec. 4.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public ground water as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

(5) The development and use of a facility described in RCW 90.03.370(8) or of a small irrigation impoundment, as defined in RCW 90.03.370(9), does not constitute a change or amendment for the purposes of this section."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1376.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Buck, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Schindler, Sehlin, Skinner, Sump and Talcott - 32.

Excused: Representative Campbell - 1.

ENGROSSED HOUSE BILL NO. 1376, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1032, By Representatives Veloria, Eickmeyer, Linville, Chase, Hatfield, Fromhold, McCoy, Conway, Kessler, Cody, Jarrett, Murray, Kenney, Schual-Berke, Clibborn, Lovick, Upthegrove and McIntire; by request of Governor Locke**

**Providing an ongoing funding source for the community economic revitalization board's financial assistance programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1032.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1032 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards,

Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

HOUSE BILL NO. 1032, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1367, By Representatives Rockefeller, Alexander, Morris, Jarrett, Conway, Murray, Clibborn, Kenney, Wallace, McIntire, Anderson, Upthegrove, Berkey, Campbell, Kagi, McDermott, Darneille, Wood, Hudgins, Simpson and Ruderman**

**Authorizing the legislative accountability board to conduct expanded performance reviews.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1367 was substituted for House Bill No. 1367 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1367 was read the second time.

Representative Rockefeller moved the adoption of amendment (021):

On page 14, at the beginning of line 19, strike "all" and insert "selected"

On page 14, line 19, after "departments" strike all material through "commission" on line 23

On page 15, line 2, after "these" strike "reviews. The performance and outcome measures of each agency or department shall be reviewed not less than every five years." and insert "reviews, which shall be accomplished within a five year period."

On page 15, line 10, after "reviews" strike "shall" and insert "may"

On page 15, beginning on line 29, strike all of subsection (f)

On page 15, beginning on line 33, strike all of subsection (h) through "benefits;" on line 35

Reletter the subsections accordingly.

Representatives Rockefeller, Armstrong and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Alexander, Fromhold, Haigh, Miloscia and Jarrett spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Schual-Berke was excused.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1367.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1367 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representatives Campbell and Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1367, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1334, By Representatives Haigh, Armstrong, Kristiansen, Tom, Anderson, Shabro, Hatfield, Nixon, Hunt, Roach, Holmquist, Grant, O'Brien, Kagi, Kessler, Upthegrove and Morris**

### **Requiring cost and benefit assessments early in the rule-making process.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1334 was substituted for House Bill No. 1334 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1334 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1334.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1334 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 1334, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1550, By Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway**

**Revising the duties of and renaming the office of permit assistance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1550 was substituted for House Bill No. 1550 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1550 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1550.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1550 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 1550, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 20, 2003, the 39<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY EIGHTH DAY, FEBRUARY 19, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

## THIRTY NINTH DAY

---

House Chamber, Olympia, Thursday, February 20, 2003

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

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

### RESOLUTION

HOUSE RESOLUTION NO.2003-4627, by Representatives Schoesler, Cox, Carrell, Crouse, Sump, Cairnes, Holmquist, Boldt, Schindler, Hankins, Hunt, Ahern, Pearson, Nixon, Anderson, Grant, Kessler, Linville, Wood, Pettigrew, Blake, Kirby, Ericksen, Sullivan, Upthegrove, McMorris, Miloscia, Lantz, Berkey, Edwards, Rockefeller, McIntire, Hunter, Lovick, Schual-Berke, McDermott, Benson, Alexander, O'Brien, Chase, Santos, Hatfield, Buck, Delvin, Clements, Newhouse, DeBolt, Priest, Skinner, Chandler, Darneille, Tom, McDonald, Condotta, Flannigan, Pflug, Simpson, Sommers, Fromhold, Hinkle, Armstrong, Shabro, Sehlin, Ruderman, Morrell, Bush, Jarrett, Kristiansen, Bailey, Talcott, McMahan, Orcutt, Veloria, Woods and Dunshee

WHEREAS, The President has proclaimed April 4th as National Former Prisoner of War Recognition Day, a day to honor Americans as national heroes who bear the title "Former Prisoner of War"; and

WHEREAS, During war and peace, American soldiers, sailors, airmen, and marines have stood vigilant, prepared, and willing to put themselves in harm's way to protect our great nation, our constitution, our freedoms, and our way of life, and we owe the liberties and happiness we enjoy today to their brave service; and

WHEREAS, We recognize the sacrifice of our former POW's and remember with honor their dedication, sacrifice, and heroism, specifically including those who suffered the experience of the Bataan Death March; and

WHEREAS, Many American members of our military forces who defended Corregidor were overwhelmed by enemy forces, suffering unspeakable horrors and death without ever making it to prison camp; and

WHEREAS, The survivors of the death march entered a new and personal war, struggling against their captors by enduring tremendous hardships and humiliations while supporting their fellow prisoners, exemplifying the very best of our nation's spirit and will; and

WHEREAS, Rudolph "Rudy" Thaut, a lifelong citizen and Washington state resident, is a living testimony of an American who survived one of the worst times in our country's history, and his life serves as a living piece of history to ensure future generations understand and appreciate the courage and contribution of his selfless service; and

WHEREAS, Rudolph "Rudy" Thaut, one of 1,200 living survivors of Corregidor and Bataan, overcame horrible adversities and afflictions but has continued to carry his banner high with his service to his community and the state of Washington, a shining example of a true patriot and hero;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington state honor Rudolph "Rudy" Thaut and other American heroes who endured the suffering of Corregidor and Bataan for their heroism, sacrifice, patriotism, and loyalty to this great nation, the United States of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Rudolph "Rudy" Thaut.

HOUSE RESOLUTION NO. 4627 was adopted.

## INTRODUCTION & FIRST READING

HB 2033 by Representatives Shabro, Conway, Priest, McDonald, Tom, Darneille, McMahan, Flannigan, Carrell, Campbell, Lantz, Talcott, Roach, Bailey, Kirby and Kristiansen

AN ACT Relating to requiring regional transportation investment district tax revenue to be allocated proportionally among member counties; and amending RCW 36.120.050.

Referred to Committee on Transportation.

HB 2034 by Representatives Cooper, Buck and Linville

AN ACT Relating to hydraulic project permit efficiency and accountability; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2035 by Representatives Ahern, Sullivan, Boldt, Cox, Benson, Hunt, Pettigrew, Shabro, Orcutt, Delvin, Simpson, Jarrett, Blake, Schindler, McCoy, Upthegrove, O'Brien, Darneille, Kirby, Berkey, Murray, Kagi, Santos and Pearson

AN ACT Relating to the sale of ephedrine, pseudoephedrine, or phenylpropanolamine; and amending RCW 69.43.160.

Referred to Committee on Criminal Justice & Corrections.

HB 2036 by Representatives Buck, McCoy and Clements

AN ACT Relating to cigarette tax contracts; and amending RCW 43.06.460.

Referred to Committee on Finance.

HB 2037 by Representatives Carrell, Hinkle, Cairnes, Newhouse, Roach and Delvin

AN ACT Relating to the business and occupation tax credit for small businesses; amending RCW 82.04.4451; and providing an effective date.

Referred to Committee on Finance.

HB 2038 by Representatives Gombosky and McIntire; by request of Attorney General

AN ACT Relating to refunds from escrow for certain tobacco manufacturers; amending RCW 70.157.020; and adding a new section to chapter 70.157 RCW.

Referred to Committee on Finance.

HB 2039 by Representatives Fromhold, Carrell, Pettigrew, Cairnes, Lantz, Moeller, Newhouse, Armstrong, Grant, Quall, Woods, Roach, Hankins, Morris, Ericksen, Crouse, Condotta, Talcott, Holmquist, McMahan, Clements, Bailey, Clibborn, Kessler, Campbell, Hunter, Chandler, Gombosky, Schoesler, Ruderman, Miloscia, Kirby, Hinkle and Kenney

AN ACT Relating to construction liability; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Judiciary.

HB 2040 by Representatives Santos and Benson; by request of Insurance Commissioner

AN ACT Relating to liability for taxes on unlawful or delinquent insurers or taxpayers; amending RCW 48.14.060 and 48.15.130; and adding a new section to chapter 48.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2041 by Representatives Kenney, Boldt, Lantz, Clements, McCoy, Fromhold, Berkey, Morrell and Kagi

AN ACT Relating to "work activity" for purposes of the temporary assistance for needy families program; and amending RCW 74.08A.250.

Referred to Committee on Children & Family Services.

HB 2042 by Representatives Simpson, Hankins and Jarrett

AN ACT Relating to identifying the use of illegal drivers' licenses when renting a vehicle; adding a new section to chapter 43.43 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 2043 by Representatives Kirby, Campbell and Carrell

AN ACT Relating to dangerous or potentially dangerous dogs; and adding a new section to chapter 16.08 RCW.

Referred to Committee on Judiciary.

HB 2044 by Representatives Hunter, Tom, Jarrett, Clibborn, Fromhold and Ruderman

AN ACT Relating to school district levy base calculations; amending RCW 84.52.0531; and providing an effective date.

Referred to Committee on Appropriations.

HB 2045 by Representatives Haigh, Armstrong and Miloscia

AN ACT Relating to identification numbers issued by state agencies; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

HB 2046 by Representatives Lantz, Kirby, O'Brien, Moeller and Santos

AN ACT Relating to interfering with a dog guide or service animal; and amending RCW 9.91.170.

Referred to Committee on Criminal Justice & Corrections.

HB 2047 by Representatives Miloscia, Moeller, Kenney, Chase, Romero, Schual-Berke, Dickerson, O'Brien, Dunshee, Conway, Santos, Cody, Voloria and Pettigrew

AN ACT Relating to providing living wages on public contracts; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter

47.28 RCW; adding a new chapter to Title 39 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2048 by Representatives Schoesler, Linville, Holmquist, Grant and Sump

AN ACT Relating to identifying livestock; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2049 by Representatives Mielke, Simpson and Woods; by request of Washington State Patrol

AN ACT Relating to salvage vehicles; amending RCW 46.12.005 and 46.12.030; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

HB 2050 by Representatives Sommers and Fromhold; by request of Office of Financial Management

AN ACT Relating to the state budgeting, accounting, and reporting system; amending RCW 43.88.020, 43.88.035, 43.88.060, 43.88.090, 43.88.130, 43.88.150, 43.88.170, 43.88.180, 43.88.190, 43.88.195, 43.88.250, 43.88.260, 43.88.030, 43.88.0301, 43.88.145, 43.88.110, 43.88.160, 43.79.270, 43.79.280, and 43.88.550; adding new sections to chapter 43.88 RCW; creating a new section; recodifying RCW 43.88.010, 43.88.020, 43.88.025, 43.88.035, 43.88.060, 43.88.090, 43.88.070, 43.88.080, 43.88.130, 43.88.150, 43.88.170, 43.88.180, 43.88.190, 43.88.195, 43.88.250, 43.88.260, 43.88.030, 43.88.032, 43.88.033, 43.88.0301, 43.88.145, 43.88.110, 43.88.037, 43.88.160, 43.88.270, 43.88.290, 43.88.300, 43.88.310, 43.88.320, 43.88.570, 43.79.270, 43.79.280, 43.88.550, 43.88.240, 43.88.265, 43.88.027, 43.88.140, 43.88.175, 43.88.200, 43.88.210, 43.88.220, 43.88.230, 43.88.901, 43.88.902, 43.88.903, and 43.88.910; and repealing RCW 43.88.050, 43.88.067, 43.88.093, 43.88.094, 43.88.100, 43.88.120, 43.88.122, 43.88.205, 43.88.280, 43.88.350, 43.88.500, 43.88.505, 43.88.510, 43.88.515, 43.88.560, 43.88.899, 44.40.070, 44.40.080, and 47.08.010.

Referred to Committee on Appropriations.

HB 2051 by Representatives Rockefeller, Lantz, Moeller and O'Brien

AN ACT Relating to the failure to wear safety belt assembly; and amending RCW 46.61.688.

Referred to Committee on Judiciary.

ESSB 5017 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Mulliken, Morton, Stevens, Zarelli, Hale, Deccio and Parlette)

AN ACT Relating to excluding minors working in family businesses from industrial insurance provisions; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

SB 5095 by Senators Spanel, Jacobsen, Carlson, B. Sheldon and Rasmussen; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing a member holding state elective office the option during each term of office of membership or retirement and beginning their retirement allowance in the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school

employees' retirement system, and the public employees' retirement system; and amending RCW 41.26.030, 41.32.010, 41.32.263, 41.35.030, and 41.40.023.

Referred to Committee on Appropriations.

SB 5096 by Senators Regala, Winsley, Carlson, Spanel, Jacobsen, Fraser, B. Sheldon, Kohl-Welles and Rasmussen; by request of Joint Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

ESB 5161 by Senators Hewitt, Rasmussen, Honeyford, T. Sheldon, Hale, Hargrove, Horn, Haugen, Mulliken, Oke, Sheahan, Roach, McCaslin, Benton, Brandland, Deccio, Esser, Johnson, Parlette, Rossi and Schmidt

AN ACT Relating to ergonomics rules; and adding a new section to chapter 49.17 RCW.

Held on 1<sup>st</sup> Reading.

SSB 5165 by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Kline, McCaslin and Franklin)

AN ACT Relating to vehicular pursuit by law enforcement officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 5236 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Thibaudeau, Winsley, Keiser, Carlson, Honeyford, McAuliffe, Mulliken, Kohl-Welles, Hale, Roach, Esser, Brandland and Eide)

AN ACT Relating to offering health care benefit plans to school district employees; amending RCW 41.05.065; and reenacting and amending RCW 41.05.050.

Referred to Committee on Appropriations.

SB 5244 by Senator Hewitt

AN ACT Relating to powers of unclassified cities; and adding new sections to chapter 35.30 RCW.

Referred to Committee on Local Government.

SB 5271 by Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries

AN ACT Relating to claims for hearing loss due to occupational noise exposure; and amending RCW 51.28.055.

Referred to Committee on Commerce & Labor.

SSB 5327 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Parlette)

AN ACT Relating to dental hygienists; and amending RCW 18.29.050 and 69.41.010.

Referred to Committee on Health Care.

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

### REPORTS OF STANDING COMMITTEES

February 18, 2003

HB 1061 Prime Sponsor, Representative Veloria: Authorizing associate degree pathways for persons in apprenticeship programs at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

February 18, 2003

HB 1146 Prime Sponsor, Representative Berkey: Adding a rental housing owner to the affordable housing advisory board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

February 18, 2003

HB 1380 Prime Sponsor, Representative Ericksen: Criminalizing interference with certain mining rights and activities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 18, 2003

HB 1498 Prime Sponsor, Representative Morrell: Modifying the scope of care provided by physical therapists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke.

Passed to Committee on Rules for second reading.

February 18, 2003

HB 1563 Prime Sponsor, Representative Lantz: Providing a procedure for court-ordered contact with a child for nonparents. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.



Passed to Committee on Rules for second reading.

February 18, 2003

HB 1625 Prime Sponsor, Representative Linville: Levying an assessment on certain agricultural plants.  
Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

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

The House recessed until 1:00 p.m. at which time the House and Senate came together in Joint Session for the purpose of a memorial service.

**JOINT SESSION  
MEMORIAL SERVICE  
Olympia High School**

The President of the Senate (Senator Deccio presiding) called the Joint Session to order at 1:00 p.m. The Clerk called the roll of the members of the House and a quorum was present. The Clerk called the roll of the members of the Senate and a quorum was present.

The President (Senator Deccio presiding) introduced the statewide elected officials present: State Treasurer Mike Murphy, Insurance Commissioner Mike Kreidler, and Superintendent of Public Instruction Terry Bergeson.

The President (Senator Deccio presiding) introduced Supreme Court Justice Barbara Madsen.

The Clerk called the roll of former legislators and other guests present:

Speaker Wayne Ehlers  
Speaker John L. O'Brien  
Representative Marlin Appelwick  
Senator Albert Bauer  
Representative David Ceccarelli  
Senator Barney Goltz  
Senator Jeanette Hayner  
Representative Denny Heck  
Representative Doris Johnson  
Representative & Mrs. Duane Kaiser  
Senator R. H. Bob Lewis  
Senator Gene Lux  
Senator Auggie Mardesich  
Representative Ron Meyers  
Representative Don Miles  
Representative Betty Sue Morris  
Senator Gary Nelson  
Representative & Mrs. Michael Parker  
Senator Eugene Prince  
Representative Oliver Ristuben  
Senator Ray Schow  
Representative Paul Sanders  
Representative Joe Taller

Senator Frank Warnke  
Representative Sim Wilson  
Senator Lorraine Wojahn  
Representative John Wynne  
Representative & Mrs. Bill Young  
Senator Gary Strannigan  
Secretary of State Ralph Munro  
State Auditor & Mr. Bob Graham  
Sergeant at Arms & Mrs. Ross Young

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. Speaker Pro Tempore Lovick led the chamber in the Pledge of Allegiance.

The President (Senator Deccio presiding) stated the purpose of the joint session was to honor departed former legislators. He welcomed all the family members present.

The President (Senator Deccio presiding) called upon the Speaker Pro Tempore Lovick to preside.

Rabbi Zari Weiss, Temple Beth Hatfiloh gave the Invocation:

"2500 years ago, the philosopher known only as Kohelet, or Ecclesiastes, wrote:  
To everything there is a season, a time for every purpose under heaven.  
A time to be born and a time to die.  
A time to plant and a time to uproot what has been planted.  
A time to tear down and a time to build up.  
A time to weep and a time to laugh.  
A time to grieve and a time to dance.  
A time to throw stones and a time to gather stones together,  
A time to embrace and a time to refrain from embracing;  
A time to seek and a time to lose;  
A time to keep and a time to discard;  
A time to tear and a time to sew;  
A time to keep silence and a time to speak.

Today is a time to grieve and a time to remember, a time to recall with both sadness and appreciation-those who have served our community and this State with dedication and commitment. Today is a day not only to mourn their passing, but also, to celebrate the goodness of their lives and the work of their hands: the labor of their hearts, minds, and souls.

We come together today from various faith traditions-humbled in the shadow of death, awed by the mysteries of Life. Each in our own way, we offer up the prayers of our hearts-to the Source of Life from which all life comes, to the Profound Mystery that is present in all of creation: birth and death, health and sickness, love and loss. We come together seeking greater understanding in the face of grief, comfort in the midst of our sadness, connection with others who also share our loss. We come together-family, friends, colleagues, and community, to honor and celebrate the lives of those distinguished members of this legislative body who, though taken from us by death, have contributed in no small way to the welfare of the citizens of this state, the well-being of our country. Though no longer a part of this earthly plane, they live on not only in the legacy of the work that they did, but also in the many ways that they touched our lives and contributed to who we are today. Divine Mystery that is present in all Life . . . and Death, help us to trust the eternal in the midst of the temporal. Help us find comfort and knowledge that-in ways that are beyond our mortal comprehension and understanding-the souls of our loved ones are now a part of the mysterious tapestry of the universe, held with love in the gentle embrace of your Divine Presence. May the nobility of their lives and the high ideals they cherished endure in our thoughts and live on in our deeds. May we-the generations who follow-carry on their work, and in so doing affirm the hope and potential that is present in life.

May the memories of the ones we have loved and lost strengthen our lives and guide us always in ways of goodness. Zichronom livracha – May their memories be for a blessing, for their families and friends, colleagues and community, indeed, for all humanity. And let us say, Amen."

The Legislative Choir, led by guest director Irvin Martin and accompanied by Barbara Ruble performed "Amazing Grace".

Speaker Pro Tempore Lovick introduced President Pro Tempore Winsley for the Memorial Tribute. She called the roll and the memorialists came forward to light the candles.

Albert F. Canwell 5 <sup>th</sup> District	Resided in Spokane, served in the House from 1947 to 1949.	Representative Brad Benson
Grace Cole 1 <sup>st</sup> & 32 <sup>nd</sup> Districts	Resided in Seattle, served in the House from 1982 to 1983 and from 1985 to 1999.	Senator Paul Shin
Shirley Doty 14 <sup>th</sup> District	Resided in Yakima, served in the House from 1985 to 1991.	Representative Mary Skinner
Jack England 32 <sup>nd</sup> District	Resided in Seattle, served in the House from 1961 to 1963 and in the Senate from 1965 to 1969.	Senator Rosa Franklin
William A. Gissberg 39 <sup>th</sup> District	Resided in Marysville, served in the Senate from 1953 to 1973.	Senator Stephen Johnson
Carlton A. Gladder 7 <sup>th</sup> District	Resided in Spokane, served in the House from 1967 to 1973.	Representative John Ahern
Gene Gotovac	Resided in Aberdeen, served as the Senate Sergeant at Arms from 1999 to 2002.	Representative Brian Hatfield
Walt O. Knowles 4 <sup>th</sup> District	Resided in Spokane, served in the House from 1971 to 1981.	Senator Bob McCaslin
Brian J. Lewis 41 <sup>st</sup> District	Resided in Bellevue, served in the House from 1967 to 1969 and in the Senate from 1969 to 1971.	Senator Jim Horn
Fred Mason 17 <sup>th</sup> District	Resided in Vancouver, served in the House from 1943 to 1945, 1947 to 1949 and 1953 to 1955.	Representative Deb Wallace
Maryann Mitchell 30 <sup>th</sup> District	Resided in Federal Way, served in the House from 1991 to 1993 and from 1995 to 2002.	Representative Beverly Woods
Charles Moon 39 <sup>th</sup> District	Resided in Snohomish, served in the House from 1963 to 1977 and from 1983 to 1985.	Representative Sam Hunt

Irv Newhouse 8 <sup>th</sup> & 15 <sup>th</sup> District	Resided in Mabton, served in the House from 1965 to 1980 and in the Senate from 1980 to 1999.	Representative Dan Newhouse
Darwin Nealey 9 <sup>th</sup> District	Resided in Lacrosse, served in the House from 1983 to 1993.	Senator Larry Sheahan
Roy Ritner 24 <sup>th</sup> District	Resided in Shelton, served in the House from 1959 to 1964.	Representative Mark Schoesler
Albert N. "Bud" Shinpoch 37 <sup>th</sup> & 11 <sup>th</sup> District	Resided in Renton, served in the House from 1969 to 1977 and in the Senate from 1977 to 1984.	Representative Helen Sommers
Charles H. Todd 44 <sup>th</sup> District	Resided in Seattle, served in the House from 1941 to 1943 and in the Senate from 1933 to 1939.	Senator Dave Schmidt
George Trautman 31 <sup>st</sup> District	Resided in Seattle, served in the House in 1966.	Representative Jan Shabro
W.S. Bill Traylor 24 District	Resided in Port Angeles, served in the House from 1965 to 1967.	Representative Jim Buck
Jonathan Whetzel 43 <sup>rd</sup> District	Resided in Seattle, served in the House from 1965 to 1971 and in the Senate from 1971 to 1975.	Senator Pat Thibaudeau

Reverend Paul Lundborg, Lutheran Church of the Good Shephard gave the memorial prayer.

"O God, In Whom We Live and Move and Have Our Being,

You hold us in Your hands. Our memories and our longings are all known to You. Time holds us captive, but even time rests safely in Your compassionate embrace.

Today we are looking back in time to remember. We confess that we seldom visit the halls of our history. We are guilty of relentlessly pushing forward, willing our way into the future, seldom recalling those who have gone before us.

But we acknowledge today that we are standing on the shoulders of workers who laid a foundation. We are relay runners who have received the baton of leadership from earlier members of the team who have run their race. We are inheritors of a legacy given us by those who invested their gifts serving the public good. Let us be enriched today by remembering those who have gone before us, and let us honor their memory by thankfully receiving their unique gifts. Bless the households, the families and friends of these departed servants, who stood beside their loved ones that they might serve. Grant them the blessings of comfort in their loss and the satisfaction of warm memories.

In this moment of time, the present, we know that You ask us to do justice, love kindness, and walk humbly beside You. Others have walked first on this path, and we are made bolder by their pioneering spirits. Teach us, O God, what You would have us learn from their examples.

The future puzzles us, O God. We plan for it, but we receive it from You, a moment at a time, and You invite us to shape it with You for the good. Let us not be anxious about the future; neither let us be afraid of what we face. Allow these servant/leaders gathered here today to be steadfast in spirit while serving the common good of this state. It does not escape us, O God, that some day we will be the ones remembered, rather than remembering. Until that time, enable us to live boldly within the liberating boundaries of Your Grace, and let us be faithful stewards of all that you give us to manage, especially the gift of time. AMEN."

The Legislative Choir performed "Oh Lord God, You Are My Refuge." The State Patrol Color Guard gave the 21 Bell Salute which included the flag folding ceremony, then the bagpiper played "Amazing Grace".

The closing prayer was given by Sister Rose Marie Terwey, St. Placid Priory, Olympia.

Speaker Pro Tempore Lovick thanked the participants in the ceremony. He turned the gavel over to the President of the Senate (Senator Deccio presiding). He thanked Speaker Pro Tempore Lovick, President Pro Tempore Winsley and the other members of the Memorial Committee, Senator Jacobsen and Representative Clements, and the memorialists.

#### MOTION

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

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

There being no objection, the House adjourned until 10:00 a.m., February 21, 2003, the 40<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

THIRTY NINTH DAY, FEBRUARY 20, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FORTY THIRD DAY**

---

---

**House Chamber, Olympia, Monday, February 24, 2003**

**The House was called to order at 10:00 a.m. by the Speaker (Representative Hatfield presiding). The Clerk called the roll and a quorum was present.**

**The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Justin Berteaux-Pettigrew and Andrea Wallace. The Speaker (Representative Hatfield presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Interim Ritual Leader Amy Loewenthal, Temple Beth Hatfiloh, Olympia.**

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

**MESSAGES FROM THE SENATE**

**February 21, 2003**

**Mr. Speaker:**

**The Senate has passed:**

**SUBSTITUTE SENATE BILL NO. 5063,  
SENATE BILL NO. 5093,  
SENATE BILL NO. 5100,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5176,  
SENATE BILL NO. 5180,  
SUBSTITUTE SENATE BILL NO. 5265,  
SUBSTITUTE SENATE BILL NO. 5290,  
ENGROSSED SENATE BILL NO. 5389,**

**and the same are herewith transmitted.**

**Milt H. Doumit, Secretary**

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

**The Speaker assumed the chair.**

**SECOND READING**

**MOTION**

**On motion of Representative Upthegrove, Representatives Lovick, Santos and Veloria were excused.**

**HOUSE BILL NO. 1832, By Representatives Conway, Chandler, Wood, Kenney and Condotta; by request of Employment Security Department**

**Correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes.**

**The bill was read the second time. There being no objection, Substitute House Bill No. 1832 was substituted for House Bill No. 1832 and the substitute bill was placed on the second reading calendar.**

**SUBSTITUTE HOUSE BILL NO. 1832 was read the second time.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Conway and Chandler spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1832.**

#### **ROLL CALL**

**The Clerk called the roll on the final passage of Substitute House Bill No. 1832 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 95.**

**Excused: Representatives Lovick, Santos and Veloria - 3.**

**SUBSTITUTE HOUSE BILL NO. 1832, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1128, By Representatives Schual-Berke, Benson, Simpson, Ruderman, Wallace, Hunt, McDermott, Pflug, Campbell and Upthegrove; by request of Insurance Commissioner**

**Prohibiting insurers from canceling, denying, or refusing to renew property insurance policies due to claims made for malicious harassment.**

**The bill was read the second time. There being no objection, Substitute House Bill No. 1128 was substituted for House Bill No. 1128 and the substitute bill was placed on the second reading calendar.**

***SUBSTITUTE HOUSE BILL NO. 1128 was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Schual-Berke and Benson spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1128.***

#### **ROLL CALL**

***The Clerk called the roll on the final passage of Substitute House Bill No. 1128 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 95.***

***Excused: Representatives Lovick, Santos and Veloria - 3.***

***SUBSTITUTE HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.***

***HOUSE BILL NO. 1225, By Representatives Lantz, Carrell, McMahan, Moeller, Campbell, Lovick and Chase; by request of Attorney General***

***Expanding the crime of communicating with a minor for immoral purposes.***

***The bill was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Lantz and Carrell spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of House Bill No. 1225.***

#### **ROLL CALL**

***The Clerk called the roll on the final passage of House Bill No. 1225 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.***



***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.***

***Excused: Representatives Lovick and Veloria - 2.***

***HOUSE BILL NO. 1225, having received the necessary constitutional majority, was declared passed.***

***HOUSE BILL NO. 1249, By Representatives Rockefeller, Schoesler, Orcutt and Linville; by request of Commissioner of Public Lands***

***Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage.***

***The bill was read the second time. There being no objection, Substitute House Bill No. 1249 was substituted for House Bill No. 1249 and the substitute bill was placed on the second reading calendar.***

***SUBSTITUTE HOUSE BILL NO. 1249 was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1249.***

### **ROLL CALL**

***The Clerk called the roll on the final passage of Substitute House Bill No. 1249 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-***

**Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Voloria - 2.**

**SUBSTITUTE HOUSE BILL NO. 1249, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1252, By Representatives Linville, Schoesler, Rockefeller, Sump and Upthegrove; by request of Commissioner of Public Lands**

**Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes.**

**The bill was read the second time.**

**Representative Linville moved the adoption of amendment (025):**

**On page 9, at the beginning of line 35, strike "thereof"**

**On page 13, beginning on line 16, after "purposes of" strike all material through "~~((79.08.109))~~" on line 17 and insert "((RCW 43.30.300 and 79.08.109)) this section and RCW"**

**On page 20, line 16, after "fossils" strike "therefrom," and insert "from those lands,"**

**On page 48, line 19, after "auction" insert ", "**

**On page 63, line 10, after "not" strike "less" and insert "fewer"**

**On page 79, line 24, strike "thereby" and insert "by the extension"**

**On page 100, line 11, after "described in" strike "the preceding section" and insert "((the preceding section)) RCW 79.01.652 (as recodified by this act)"**

**On page 103, line 1, after "under the" strike "foregoing provisions" and insert "((foregoing)) provisions of RCW 79.01.668 (as recodified by this act)"**

**On page 108, beginning on line 11, after "utilization." strike all material through "public." on line 15 and insert "((The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public.)) The report must be delivered to the appropriate committees of the legislature and made available to the public."**

**On page 115, beginning on line 30, after "suitable for" strike "such purposes" and insert "((such)) the purposes of RCW 79.08.080 (as recodified by this act)"**

**On page 179, after line 9, insert the following:**

**"NEW SECTION. Sec. 616. This act is intended to make technical amendments to certain codified statutes that deal with the department of natural resources. Any statutory changes made by this act should be interpreted as technical in nature and not be interpreted to have any substantive, policy implications."**

**On page 2, line 38 of the title, after "78 RCW;" insert "creating a new section;"**

**Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.**

**The amendment was adopted. The bill was ordered engrossed.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Linville and Schoesler spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1252.**

### **ROLL CALL**

**The Clerk called the roll on the final passage of Engrossed House Bill No. 1252 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Voloria - 2.**

**ENGROSSED HOUSE BILL NO. 1252, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1350, By Representatives Flannigan and Moeller; by request of Office of the Code Reviser**

**Repealing RCW 42.44.040.**

**The bill was read the second time.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Flannigan, Carrell, Kirby and Moeller spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of House Bill No. 1350.**

### **ROLL CALL**

*The Clerk called the roll on the final passage of House Bill No. 1350 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.*

*Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 90.*

*Voting nay: Representatives Cairnes, DeBolt, Hatfield, McDermott, McIntire and Morris - 6.*

*Excused: Representatives Lovick and Voloria - 2.*

*HOUSE BILL NO. 1350, having received the necessary constitutional majority, was declared passed.*

#### **POINT OF PERSONAL PRIVILEGE**

*Representative Kessler congratulated Representative Flannigan on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.*

*HOUSE BILL NO. 1361, By Representatives Linville, Schoesler, Grant and Holmquist*

*Increasing the powers of the state agricultural commodity commissions.*

*The bill was read the second time.*

*There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.*

*Representatives Linville and Schoesler spoke in favor of passage of the bill.*

*The Speaker stated the question before the House to be the final passage of House Bill No. 1361.*

#### **ROLL CALL**

*The Clerk called the roll on the final passage of House Bill No. 1361 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.*

*Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell,*

**Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Veloria - 2.**

**HOUSE BILL NO. 1361, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1435, By Representatives Armstrong, Linville, Schoesler, McDermott, Hinkle, Wood, Newhouse, Grant, Quall, Holmquist and Condotta**

**Concerning the fruit and vegetable district fund.**

**The bill was read the second time.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Armstrong and Linville spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of House Bill No. 1435.**

#### **ROLL CALL**

**The Clerk called the roll on the final passage of House Bill No. 1435 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Veloria - 2.**

**HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1036, By Representatives Hatfield, Woods, Simpson, Cooper, Rockefeller and Mielke**

**Modifying subagent authority to process mail-in vehicle registration renewals.**

***The bill was read the second time. There being no objection, Substitute House Bill No. 1036 was substituted for House Bill No. 1036 and the substitute bill was placed on the second reading calendar.***

***SUBSTITUTE HOUSE BILL NO. 1036 was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Hatfield and Woods spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1036.***

### **ROLL CALL**

***The Clerk called the roll on the final passage of Substitute House Bill No. 1036 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.***

***Excused: Representatives Lovick and Veloria - 2.***

***SUBSTITUTE HOUSE BILL NO. 1036, having received the necessary constitutional majority, was declared passed.***

***HOUSE BILL NO. 1064, By Representatives Eickmeyer, Buck, Haigh and Blake***

***Authorizing the use of signs, banners, or decorations over highways under limited circumstances.***

***The bill was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Eickmeyer, Buck and DeBolt spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of House Bill No. 1064.***

### **ROLL CALL**

**The Clerk called the roll on the final passage of House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Veloria - 2.**

**HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1086, By Representatives Morris, Pearson, Sullivan, Miloscia and Kristiansen**

**Moving mobile homes by mobile home park owners.**

**The bill was read the second time. There being no objection, Substitute House Bill No. 1086 was substituted for House Bill No. 1086 and the substitute bill was placed on the second reading calendar.**

**SUBSTITUTE HOUSE BILL NO. 1086 was read the second time.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Morris and Pearson spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1086.**

#### **ROLL CALL**

**The Clerk called the roll on the final passage of Substitute House Bill No. 1086 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-**

**Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Voloria - 2.**

**SUBSTITUTE HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1114, By Representatives Hinkle, Murray, Armstrong, Priest, Boldt, Lovick, Mielke and Haigh**

**Extending school or playground speed zones.**

**The bill was read the second time.**

**There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.**

**Representatives Hinkle and Simpson spoke in favor of passage of the bill.**

**The Speaker stated the question before the House to be the final passage of House Bill No. 1114.**

#### **ROLL CALL**

**The Clerk called the roll on the final passage of House Bill No. 1114 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.**

**Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Voloria - 2.**

**HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.**

**HOUSE BILL NO. 1124, By Representatives Conway, Haigh, Bush, Mielke, Simpson, Kessler, Benson, Sump, Wallace, O'Brien, McDonald, Kenney, Wood, McCoy, Campbell and Upthegrove**

**Designating veterans' history awareness month.**

**The bill was read the second time.**



***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Conway and Armstrong spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of House Bill No. 1124.***

#### **ROLL CALL**

***The Clerk called the roll on the final passage of House Bill No. 1124 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.***

***Excused: Representatives Lovick and Veloria - 2.***

***HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.***

***HOUSE BILL NO. 1150, By Representatives Hatfield, Cairnes, Roach, Cooper, Benson, Haigh, Schual-Berke and Simpson; by request of Insurance Commissioner***

***Selling single premium credit insurance.***

***The bill was read the second time.***

***There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.***

***Representatives Hatfield and Cairnes spoke in favor of passage of the bill.***

***The Speaker stated the question before the House to be the final passage of House Bill No. 1150.***

#### **ROLL CALL**

***The Clerk called the roll on the final passage of House Bill No. 1150 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold,***

**Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.**

**Excused: Representatives Lovick and Veloria - 2.**

**HOUSE BILL NO. 1150, having received the necessary constitutional majority, was declared passed.**

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

### **INTRODUCTION & FIRST READING**

**HB 2071 by Representatives Cox and Anderson**

**AN ACT Relating to financing education; amending RCW 82.08.020 and 84.52.0531; adding a new section to chapter 28A.150 RCW; providing a contingent effective date; and providing for submission of this act to a vote of the people.**

**Referred to Committee on Education.**

**HB 2072 by Representatives Hankins, Murray, Woods, Grant, Schoesler, Clements and Newhouse**

**AN ACT Relating to a state produce railcar pool; amending RCW 47.76.250; adding new sections to chapter 47.76 RCW; and creating a new section.**

**Referred to Committee on Transportation.**

**HB 2073 by Representatives Schoesler, Romero and Cox**

**AN ACT Relating to disposing of local government records; and amending RCW 40.14.070.**

**Referred to Committee on State Government.**

**HB 2074 by Representatives Darneille, Kagi, Hankins, Simpson, Hunt, Kirby, Pettigrew, Hudgins, Chase, Dickerson and Schual-Berke**

**AN ACT Relating to installation of antitheft devices by federally licensed firearms dealers; adding a new section to chapter 9.41 RCW; and prescribing penalties.**

**Referred to Committee on Judiciary.**

**HB 2075 by Representatives Romero, Cooper, Buck and Kenney**

**AN ACT Relating to recreational boating; and creating a new section.**

**Referred to Committee on Fisheries, Ecology & Parks.**

**HB 2076 by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke**

***AN ACT Relating to roles and responsibilities of the higher education coordinating board; amending RCW 28B.80.330, 28B.80.340, 28B.80.610, and 28B.50.090; adding a new section to chapter 28B.80 RCW; creating new sections; and providing an expiration date.***

***Referred to Committee on Higher Education.***

**HB 2077 by Representatives Kristiansen, Lovick, Benson, Armstrong, Sump, Ahern, Condotta, Hatfield, Sullivan, Pearson, Holmquist, McMahan, Mielke, Kirby, Schoesler, Newhouse, Ericksen, Skinner, Chandler, Blake, Bush, Conway, Carrell, Campbell and Schindler**

***AN ACT Relating to recognition of concealed pistol permits from other states; and amending RCW 9.41.050.***

***Referred to Committee on Judiciary.***

**HB 2078 by Representative Simpson**

***AN ACT Relating to interest on restitution payments; amending RCW 10.82.090; and creating a new section.***

***Referred to Committee on Judiciary.***

**HB 2079 by Representatives Santos, Cox and Hankins**

***AN ACT Relating to school levies; and amending RCW 84.52.0531, 28A.500.020, and 28A.500.030.***

***Referred to Committee on Education.***

**HB 2080 by Representatives Orcutt, Mielke, Cox, Boldt, Hinkle, Ahern, Delvin and Condotta**

***AN ACT Relating to the transfer of shared game lottery proceeds; and amending RCW 67.70.340.***

***Referred to Committee on Appropriations.***

**HB 2081 by Representatives Jarrett and Clibborn**

***AN ACT Relating to tax deferred annuities for school employees; and amending RCW 28A.400.250.***

***Referred to Committee on Education.***

**HB 2082 by Representatives Jarrett, Chase, Tom, Anderson and Hankins**

***AN ACT Relating to basic education; amending RCW 28A.150.200, 28A.150.220, 28A.150.230, and 84.52.0531; adding a new section to chapter 28A.150 RCW; and creating a new section.***

***Referred to Committee on Education.***

***HB 2083 by Representatives Cody, Benson and Darneille***

***AN ACT Relating to hospital emergency services; and adding a new section to chapter 70.41 RCW.***

***Referred to Committee on Health Care.***

***HB 2084 by Representatives Talcott, Tom and Moeller***

***AN ACT Relating to opportunities for high quality experiences and expression in the visual and performing arts for elementary and secondary students; amending RCW 28A.655.060; and adding a new chapter to Title 28A RCW.***

***Referred to Committee on Education.***

***HB 2085 by Representatives Condotta, Armstrong, Sump, Newhouse, Crouse, Holmquist, Benson and Schindler***

***AN ACT Relating to the return or recharge of ground water; and amending RCW 90.03.255 and 90.44.055.***

***Referred to Committee on Agriculture & Natural Resources.***

***HB 2086 by Representatives O'Brien, Cody, Sullivan, Kagi, Lantz and Chase***

***AN ACT Relating to alternatives to total confinement; and amending RCW 9.94A.680.***

***Referred to Committee on Criminal Justice & Corrections.***

***HJM 4019 by Representatives Kristiansen, Armstrong, Condotta, Benson, Sump, Ahern, Pearson, Holmquist, Mielke, McMahan, Schoesler, Ericksen, Newhouse, Skinner and Bush***

***Requesting that British Columbia refrain from releasing grizzly bears near our common border.***

***Referred to Committee on Fisheries, Ecology & Parks.***

***HJM 4020 by Representatives Skinner, Ericksen, Hankins, Mastin, Sehlin, Bush, Mielke, Ahern, Schoesler, Tom, McDonald, McMahan, Orcutt, Newhouse, Talcott, Roach, Condotta, Delvin, Holmquist, Pflug, Kristiansen, Shabro, Bailey, Boldt, Sump, Nixon, Cox, Anderson, Schindler, Carrell, Pearson, DeBolt, Alexander, Priest, Woods, Crouse, Chandler, Hinkle, McMorris, Benson, Buck and Campbell***

***Urging confirmation of Miguel Estrada.***

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

#### **MOTION**

***Representative Skinner moved that the rules be suspended and HOUSE JOINT MEMORIAL NO. 4020 be placed on the Second Reading calendar.***

***Representative Skinner spoke in favor of adoption of the motion.***

***Representative Kessler spoke against adoption of the motion.***

***An electronic roll call vote was demanded and the demand was sustained.***

***The Speaker stated the question before the House to be adoption of the motion to suspend the rules and House Joint Memorial No. 4020 be placed on the Second Reading calendar.***

#### **ROLL CALL**

***The Clerk called the roll on the adoption of the motion to suspend the rules and House Joint Memorial No. 4020 be placed on the Second Reading calendar, and the motion was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.***

***Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.***

***Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Wallace, Wood and Mr. Speaker - 50.***

***Excused: Representatives Lovick and Veloria - 2.***

#### **STATEMENT FOR THE JOURNAL**

***I intended to vote NAY on the motion to suspend the rules and House Joint Memorial No. 4020 be placed on the Second Reading calendar.***

***SHIRLEY HANKINS, 8<sup>th</sup> District***

***There being no objection, HOUSE JOINT MEMORIAL NO. 4020 was referred to the Committee on Judiciary.***

#### **REPORTS OF STANDING COMMITTEES**

February 20, 2003

**HB 1013 Prime Sponsor, Representative Morris: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Appropriations**

**MAJORITY recommendation: The substitute bill proposed by the Committee on Technology, Telecommunications & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.**

**Passed to Committee on Rules for second reading.**

February 20, 2003

**HB 1016 Prime Sponsor, Representative Nixon: Revising driving privileges for juveniles convicted of motor vehicle felonies. Reported by Committee on Juvenile Justice & Family Law**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle and Upthegrove.**

**MINORITY recommendation: Do not pass. Signed by Representatives Pettigrew, Vice Chairman; Eickmeyer.**

**Passed to Committee on Rules for second reading.**

February 19, 2003

**HB 1082 Prime Sponsor, Representative Ruderman: Creating a housing allowance program for nonsupervisory educational employees. Reported by Committee on Education**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Tom, Assistant Ranking Minority Member; Hunter; Rockefeller and Santos.**

**MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson; Cox; Haigh and McMahan.**

**Referred to Committee on Appropriations.**

February 19, 2003

**HB 1095 Prime Sponsor, Representative Rockefeller: Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements. Reported by Committee on Agriculture & Natural Resources**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.**

**MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler.**

**Referred to Committee on Appropriations.**

**February 20, 2003**

**HB 1147 Prime Sponsor, Representative Dickerson: Creating a youthful offender sentencing alternative. Reported by Committee on Juvenile Justice & Family Law**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Eickmeyer and Upthegrove.**

**MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member; Carrell and Hinkle.**

**Referred to Committee on Appropriations.**

**February 20, 2003**

**HB 1202 Prime Sponsor, Representative Simpson: Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2. Reported by Committee on Appropriations**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1233 Prime Sponsor, Representative Pettigrew: Improving services for kinship caregivers. Reported by Committee on Appropriations**

**MAJORITY recommendation: The substitute bill proposed by the Committee on Children & Family Services be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.**

**Passed to Committee on Rules for second reading.**

**February 19, 2003**

**HB 1244 Prime Sponsor, Representative Hunter: Providing a salary bonus for teachers who maintain certification from the national board for professional teaching standards. Reported by Committee on Education**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott,**

***Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.***

***MINORITY recommendation: Without recommendation. Signed by Representatives Santos.***

***Referred to Committee on Appropriations.***

***February 19, 2003***

***HB 1277 Prime Sponsor, Representative Kenney: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents. Reported by Committee on Higher Education***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.***

***Passed to Committee on Rules for second reading.***

***February 20, 2003***

***HB 1416 Prime Sponsor, Representative Mielke: Adjusting the time of restoration of a juvenile's driving privilege. Reported by Committee on Juvenile Justice & Family Law***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.***

***Passed to Committee on Rules for second reading.***

***February 19, 2003***

***HB 1470 Prime Sponsor, Representative Cox: Expanding "residency" for purposes of attending Washington public schools. Reported by Committee on Education***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.***

***Referred to Committee on Appropriations.***

***February 20, 2003***

***HB 1489 Prime Sponsor, Representative Sullivan: Creating a voluntary organ and tissue donor registry. Reported by Committee on Health Care***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.***



*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1532 Prime Sponsor, Representative Quall: Prohibiting smoking in publicly owned residence halls at public institutions of higher education. Reported by Committee on Health Care**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.**

*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1578 Prime Sponsor, Representative Haigh: Using fees to develop and maintain a web-based vital records system. Reported by Committee on Appropriations**

**MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.**

*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1598 Prime Sponsor, Representative Schual-Berke: Prohibiting tobacco product sampling. Reported by Committee on Health Care**

**MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.**

**MINORITY recommendation: Do not pass. Signed by Representatives Benson.**

*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1612 Prime Sponsor, Representative Hinkle: Requiring notification to parents of mental health treatment options for a minor child. Reported by Committee on Juvenile Justice & Family Law**

**MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.**

*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1621 Prime Sponsor, Representative Morrell: Modifying medical assistance provisions. Reported by Committee on Health Care**

**MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1694 Prime Sponsor, Representative Morrell: Requiring the department of social and health services to inspect boarding homes at least every eighteen months. Reported by Committee on Health Care**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1711 Prime Sponsor, Representative O'Brien: Revising method for making distributions under the municipal criminal justice assistance account. Reported by Committee on Appropriations**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1721 Prime Sponsor, Representative Moeller: Concerning dentistry. Reported by Committee on Health Care**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1739 Prime Sponsor, Representative Alexander: Funding services within the department of general administration. Reported by Committee on Appropriations**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox;**

*Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.*

*Passed to Committee on Rules for second reading.*

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

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

*There being no objection, the House adjourned until 9:55 a.m., February 25, 2003, the 44<sup>th</sup> Day of the Regular Session.*

**FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE**

**FORTY THIRD DAY, FEBRUARY 24, 2003**

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FORTY FOURTH DAY**

---

**House Chamber, Olympia, Tuesday, February 25, 2003**

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

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

**INTRODUCTION & FIRST READING**

**HB 2087 by Representative Benson**

*AN ACT Relating to the qualification of self-employed individuals or sole proprietors as a small employer; and reenacting and amending RCW 48.43.005.*

*Referred to Committee on Health Care.*

**HB 2088 by Representatives Schoesler, Chandler and Linville**

*AN ACT Relating to storm water rates and charges; and amending RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 57.08.005, 57.08.081, 84.33.210, and 86.15.160.*

*Referred to Committee on Agriculture & Natural Resources.*

**HB 2089 by Representatives McCoy, Wallace, Morrell, Kenney and Miloscia**

***AN ACT Relating to tuition waivers at institutions of higher education; amending RCW 28B.15.380 and 28B.15.910; adding a new section to chapter 28B.15 RCW; and repealing RCW 28B.10.265, 28B.15.620, 28B.15.625, 28B.15.628, and 28B.15.629.***

*Referred to Committee on Higher Education.*

**HB 2090 by Representatives Clements, Sump and Orcutt**

***AN ACT Relating to search and rescue dogs; and amending RCW 9.91.170.***

*Referred to Committee on Criminal Justice & Corrections.*

**HB 2091 by Representatives Anderson, Lovick and Ahern; by request of Washington State Patrol**

***AN ACT Relating to traffic citations; and amending RCW 46.64.010.***

*Referred to Committee on Transportation.*

**HB 2092 by Representatives Condotta, Bailey, Buck, Talcott, Orcutt, Sehlin, Clements, Boldt, Cox, Jarrett, Priest, Skinner, McMahan and Schindler**

***AN ACT Relating to tuition for students deployed to the Persian Gulf geographic region; amending RCW 28B.15.600, 28B.15.625, 28B.15.628, and 28B.10.017; adding a new section to chapter 28B.15 RCW; and declaring an emergency.***

*Referred to Committee on Higher Education.*

**HB 2093 by Representative McDermott**

***AN ACT Relating to exempting certain home care quality authority records from public inspection; and reenacting and amending RCW 42.17.310.***

*Referred to Committee on State Government.*

**HB 2094 by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern**

***AN ACT Relating to detaining a person for the purpose of allowing a law enforcement investigation; adding a new section to chapter 9A.16 RCW; and adding a new section to chapter 4.24 RCW.***

*Referred to Committee on Judiciary.*

**HB 2095 by Representative Romero**

***AN ACT Relating to industrial insurance benefits for the surviving beneficiaries of workers whose deaths occurred before 1988; and amending RCW 51.32.050.***

*Referred to Committee on Commerce & Labor.*

**HB 2096 by Representatives Sullivan, Hinkle, Cooper, Wood, Conway, Armstrong and Kristiansen**

***AN ACT Relating to franchise agreements between motorsports vehicle dealers and manufacturers; adding a new chapter to Title 46 RCW; and repealing RCW 46.94.001, 46.94.005, 46.94.010, 46.94.020, 46.94.030, 46.94.040, 46.94.050, 46.94.060, and 46.94.900.***

*Referred to Committee on Commerce & Labor.*

**HB 2097 by Representatives Murray and Rockefeller**

***AN ACT Relating to the exercise of sound business practices to enhance revenues for Washington State Ferries; and amending RCW 47.60.135, 47.60.140, 47.60.150, 47.60.326, and 47.60.330.***

*Referred to Committee on Transportation.*

**HB 2098 by Representatives Grant, Jarrett, O'Brien, Chase, McIntire, Hankins, Santos and Shabro**

***AN ACT Relating to providing financial assistance to counties and cities; amending RCW 35.21.870, 35.58.560, 84.52.043, 84.52.065, and 29.30.111; reenacting and amending RCW 84.52.010; adding a new section to chapter 36.01 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 36 RCW; creating new sections; making an appropriation; and declaring an emergency.***

*Referred to Committee on Finance.*

**HB 2099 by Representatives Kagi, Jarrett, Romero, O'Brien, Lantz, Cooper and Uptegrove**

***AN ACT Relating to lead shot; and amending RCW 77.12.047.***

*Referred to Committee on Fisheries, Ecology & Parks.*

**HB 2100 by Representatives Romero, Veloria and Wallace; by request of Washington State Patrol**

***AN ACT Relating to the membership of the state building code council; and amending RCW 19.27.070.***

*Referred to Committee on Local Government.*

**HB 2101 by Representatives Kenney, Berkey, Jarrett, Tom, Pettigrew and Hudgins**

***AN ACT Relating to developing a P-16 governance structure for preschool through postsecondary education for the benefit of all learners; and creating a new section.***

*Referred to Committee on Education.*

**HB 2102 by Representatives Hunt, Linville and Romero**

***AN ACT Relating to private owners of public water systems not regulated as public utilities; amending RCW 90.03.040; and adding a new chapter to Title 19 RCW.***

***Referred to Committee on Agriculture & Natural Resources.***

**HB 2103 by Representatives Hunt, Haigh, Miloscia and Berkey**

***AN ACT Relating to tabulation of ballots; and amending RCW 29.36.310, 29.54.015, 29.54.018, 29.54.085, and 29.54.097.***

***Referred to Committee on State Government.***

**HB 2104 by Representatives Grant, Linville and Eickmeyer**

***AN ACT Relating to agricultural use of water; and amending RCW 90.03.380.***

***Referred to Committee on Agriculture & Natural Resources.***

**HB 2105 by Representatives Kagi and Darneille**

***AN ACT Relating to ensuring that offender populations do not exceed prison capacity; amending RCW 9.94A.728; reenacting and amending RCW 9.94A.728; adding new sections to chapter 43.88C RCW; adding new sections to chapter 9.94A RCW; creating a new section; providing an effective date; and providing an expiration date.***

***Referred to Committee on Criminal Justice & Corrections.***

**HB 2106 by Representatives Linville, McCoy, Eickmeyer, McDermott and Grant**

***AN ACT Relating to fundamentals for use and management of waters of the state; and amending RCW 90.54.020.***

***Referred to Committee on Agriculture & Natural Resources.***

**HB 2107 by Representatives Hinkle, Schindler, Ahern, Cox, Condotta, Anderson, Boldt, Pearson, Woods, Talcott, Schoesler, Clements, McMahan, Bush, Skinner, Chandler, Ericksen, Delvin, Armstrong, Kristiansen and Bailey**

***AN ACT Relating to restoring the American dream by providing a tax exemption for property that has declined in value due to shoreline or growth management regulation; adding a new section to chapter 84.36 RCW; and creating a new section.***

***Referred to Committee on Finance.***

**HB 2108 by Representatives Schindler, Hinkle, Ahern, Condotta, Armstrong, Cox, Woods, Boldt, Clements, Schoesler, Talcott, Bush, Skinner, McMahan, Ericksen, Delvin, Buck and Bailey**

***AN ACT Relating to restoring the American Dream by eliminating impact fees in counties and cities in counties where the first time home buyer housing affordability***

***index shows that housing is not affordable; amending RCW 82.02.100; adding new sections to chapter 82.02 RCW; and creating a new section.***

***Referred to Committee on Local Government.***

***HB 2109 by Representatives Condotta, Schindler, Hinkle, Armstrong, Cox, Clements, Woods, Schoesler, Delvin, Ahern, Talcott, Bush, Skinner, McMahan, Chandler, Buck and Bailey***

***AN ACT Relating to restoring the American dream by allowing single-family residential development outside urban growth areas in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding new sections to chapter 36.70A RCW; and creating a new section.***

***Referred to Committee on Local Government.***

***HB 2110 by Representatives McDonald, Schindler, Hinkle, Condotta, Cox, Woods, Armstrong, Boldt, Delvin, Schoesler, Talcott, Clements, McMahan, Ahern, Skinner, Chandler, Ericksen, Buck, Kristiansen and Bailey***

***AN ACT Relating to restoring the American dream by eliminating the state sales tax on construction labor and services in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding a new section to chapter 82.08 RCW; and creating a new section.***

***Referred to Committee on Local Government.***

***HB 2111 by Representatives Priest, Jarrett and Cox***

***AN ACT Relating to performance contracts between the state and institutions of higher education; amending RCW 28B.50.090; adding a new section to chapter 28B.80 RCW; and creating new sections.***

***Referred to Committee on Higher Education.***

***HB 2112 by Representatives Haigh, Miloscia and Eickmeyer***

***AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.902; adding a new section to chapter 39.10 RCW; and creating a new section.***

***Referred to Committee on State Government.***

***HB 2113 by Representatives Morrell, Cox, Kenney, Fromhold, Jarrett, Chase, Priest, McCoy and Buck***

***AN ACT Relating to refunds of federal financial aid to students who withdraw from institutions of higher education before the end of a quarter or semester; and amending RCW 28B.15.600.***

***Referred to Committee on Higher Education.***

***HB 2114 by Representatives Kagi and Dickerson***

***AN ACT Relating to the funding of family preservation and intervention services; adding new sections to chapter 74.13 RCW; creating a new section; and making an appropriation.***

***Referred to Committee on Children & Family Services.***

**HB 2115 by Representative Simpson**

***AN ACT Relating to motor vehicle dealers; adding a new section to chapter 46.70 RCW; and prescribing penalties.***

***Referred to Committee on Transportation.***

**HB 2116 by Representatives Grant and Linville**

***AN ACT Relating to the use of water for stock-watering purposes; and amending RCW 90.44.050.***

***Referred to Committee on Agriculture & Natural Resources.***

**HB 2117 by Representatives McDermott and Cody**

***AN ACT Relating to passenger-only ferry service; adding a new section to chapter 47.60 RCW; and declaring an emergency.***

***Referred to Committee on Transportation.***

**HB 2118 by Representatives Newhouse and Sullivan**

***AN ACT Relating to the marketing of microbrew beer at farmers markets; and amending RCW 66.24.244.***

***Referred to Committee on Commerce & Labor.***

**HB 2119 by Representatives Linville, Morris, Romero, Kagi, Kirby, Edwards, Wallace, Chase, Cooper, Hunt and Upthegrove**

***AN ACT Relating to voluntary registration of greenhouse gas emissions; and adding a new chapter to Title 70 RCW.***

***Referred to Committee on Technology, Telecommunications & Energy.***

**HJR 4212 by Representatives Pettigrew, Romero, Haigh, Dunshee, Cooper and Flannigan**

***Amending Article II, section 40 of the state Constitution.***

***Referred to Committee on Transportation.***

**SSB 5063 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Doumit, Zarelli and Rasmussen)**



***AN ACT Relating to flood control zone districts; amending RCW 86.15.050; providing an effective date; and declaring an emergency.***

***Referred to Committee on Local Government.***

***SB 5093 by Senators Spanel, Carlson, Fraser, B. Sheldon, Kohl-Welles, Haugen and Rasmussen; by request of Joint Committee on Pension Policy***

***AN ACT Relating to allowing members of the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system to begin receiving benefits without leaving service at age seventy and one-half; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.***

***Referred to Committee on Appropriations.***

***SB 5100 by Senators Fraser, Carlson, Winsley, Spanel, Parlette and Rasmussen; by request of Joint Committee on Pension Policy***

***AN ACT Relating to paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001; and adding a new section to chapter 41.04 RCW.***

***Referred to Committee on Appropriations.***

***SB 5122 by Senators Johnson, Kline and Esser***

***AN ACT Relating to trademark registration; amending RCW 19.77.010, 19.77.020, 19.77.050, 19.77.140, 19.77.150, and 19.77.160; adding a new section to chapter 19.77 RCW; and repealing RCW 19.77.110.***

***Referred to Committee on Judiciary.***

***SB 5176 by Senators Roach and Doumit***

***AN ACT Relating to providing wildland fire fighting training; and reenacting and amending RCW 43.43.934.***

***Referred to Committee on State Government.***

***SB 5180 by Senators Hewitt, B. Sheldon, Hale, Benton, Rasmussen and Shin; by request of Lieutenant Governor***

***AN ACT Relating to modifying the name of the legislative committee on economic development; and amending RCW 44.52.010.***

***Referred to Committee on Trade & Economic Development.***

***SSB 5265 by Senate Committee on Commerce & Trade (originally sponsored by Senators Thibaudeau, Honeyford, Jacobsen, Kohl-Welles, Johnson, Kline, McAuliffe, Rasmussen, Regala, B. Sheldon, Spanel, Winsley and Kastama)***

***AN ACT Relating to the marketing of bottled wine at farmers markets; and amending RCW 66.24.170.***

***Referred to Committee on Commerce & Labor.***

***SSB 5290 by Senate Committee on Commerce & Trade (originally sponsored by Senators West, Rasmussen, Hale and Winsley; by request of Horse Racing Commission)***

***AN ACT Relating to authorizing continued receipt of criminal history information by the horse racing commission; repealing 2000 c 204 s 2 (uncodified); and declaring an emergency.***

***Referred to Committee on Commerce & Labor.***

***ESB 5389 by Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon***

***AN ACT Relating to clean and sober housing; amending RCW 59.18.290; adding a new section to chapter 59.18 RCW; and prescribing penalties.***

***Referred to Committee on Judiciary.***

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

#### **REPORTS OF STANDING COMMITTEES**

***February 21, 2003***

***HB 1003 Prime Sponsor, Representative Morris: Creating the research and technology transfer commission. Reported by Committee on Technology, Telecommunications & Energy***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Blake; DeBolt; Hudgins; Kirby; Romero; Sullivan and Wallace.***

***MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Assistant Ranking Minority Member; Bush; Delvin; McMahan; Tom and Wood.***

***Referred to Committee on Appropriations.***

***February 20, 2003***

***HB 1074 Prime Sponsor, Representative Bush: Allowing release of impounded vehicles to owners. Reported by Committee on Transportation***

***MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins;***

**Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1099 Prime Sponsor, Representative O'Brien: Prohibiting secure community transition facilities from being sited near public and private youth camps. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1106 Prime Sponsor, Representative Bush: Authorizing the secretary of state to observe county election facilities. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott; Nixon; Tom and Wallace.**

**MINORITY recommendation: Do not pass. Signed by Representatives Hunt.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1127 Prime Sponsor, Representative Hatfield: Concerning the direct retail sale of sturgeon and tuna. Reported by Committee on Fisheries, Ecology & Parks**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1210 Prime Sponsor, Representative O'Brien: Enacting the Washington Antiterrorism Act of 2003. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

**MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman;**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1218 Prime Sponsor, Representative Lovick: Creating a building mapping information system. Reported by Committee on State Government**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1222 Prime Sponsor, Representative Dickerson: Requiring voting devices to be accessible to individuals with disabilities. Reported by Committee on State Government**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1228 Prime Sponsor, Representative Haigh: Extending the use of veterans' scoring criteria in employment examinations. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1239 Prime Sponsor, Representative Cooper: Concerning the commercial harvest of geoduck clams. Reported by Committee on Fisheries, Ecology & Parks**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1394 Prime Sponsor, Representative Kagi: Changing threshold property values for crimes against property. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

*Referred to Committee on Appropriations.*

*February 21, 2003*

**HB 1444 Prime Sponsor, Representative Haigh: Protecting proprietary or confidential information acquired through state health services purchasing. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

*Passed to Committee on Rules for second reading.*

*February 20, 2003*

**HB 1463 Prime Sponsor, Representative Sullivan: Allowing advertising on bus shelters. Reported by Committee on Transportation**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Kristiansen; Lovick; Mielke; Morris; Nixon; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.**

**MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Romero.**

*Passed to Committee on Rules for second reading.*

*February 21, 2003*

**HB 1473 Prime Sponsor, Representative Hudgins: Specifying when vacancies in certain county offices may be filled. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

*Passed to Committee on Rules for second reading.*

*February 21, 2003*

**HB 1488 Prime Sponsor, Representative Miloscia: Requiring quality management programs for state agencies. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

*Referred to Committee on Appropriations.*

*February 21, 2003*

**HB 1497 Prime Sponsor, Representative O'Brien: Reorganizing criminal statutes within the RCW. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1569 Prime Sponsor, Representative Armstrong: Excluding certain information supplied by a bidder on a public bid from public disclosure. Reported by Committee on State Government**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1579 Prime Sponsor, Representative O'Brien: Decriminalizing "fine only" criminal statutes. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

**Passed to Committee on Rules for second reading.**

**February 20, 2003**

**HB 1592 Prime Sponsor, Representative Simpson: Regulating special license plates. Reported by Committee on Transportation**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Cooper; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Morris; Nixon; Romero; Simpson; Sullivan; Wallace; Wood and Woods.**

**MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Armstrong; Bailey; Kristiansen; Schindler and Shabro.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1609 Prime Sponsor, Representative O'Brien: Requiring a plan to establish pilot regional correctional facilities. Reported by Committee on Criminal Justice & Corrections**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HB 1669 Prime Sponsor, Representative Haigh: Phasing-in state payment for even-year elections. Reported by Committee on State Government**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Referred to Committee on Appropriations.**

**February 20, 2003**

**HB 1725 Prime Sponsor, Representative Cooper: Concerning the cost of a catch record card. Reported by Committee on Fisheries, Ecology & Parks**

**MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.**

**Referred to Committee on Appropriations.**

**February 21, 2003**

**HJM 4010 Prime Sponsor, Representative Haigh: Requesting that veterans receive concurrent retirement and disability payments. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**February 21, 2003**

**HJR 4206 Prime Sponsor, Representative Hudgins: Amending the Constitution to provide for vacancies that occur after the general election. Reported by Committee on State Government**

**MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.**

**Passed to Committee on Rules for second reading.**

**There being no objection, the bills, memorial and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.**

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

**There being no objection, the Committee on Education was relieved of further consideration of HOUSE BILL NO. 1986, and the bill was referred to the Committee on Higher Education.**

***There being no objection, the Committee on Health Care was relieved of further consideration of HOUSE BILL NO. 2014, and the bill was referred to the Committee on Financial Institutions & Insurance.***

***There being no objection, the Committee on Health Care was relieved of further consideration of HOUSE BILL NO. 2070, and the bill was referred to the Committee on Finance.***

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

***There being no objection, the House adjourned until 10:00 a.m., February 26, 2003, the 45<sup>th</sup> Day of the Regular Session.***

**FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE**

**FORTY FOURTH DAY, FEBRUARY 25, 2003**

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FORTY FIFTH DAY**

---

House Chamber, Olympia, Wednesday, February 26, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Kristiansen and Tessa Hanson. Prayer was offered by Rabbi Interim Ritual Leader Amy Loewenthal, Temple Beth Hatfiloh, Olympia.

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2003-4631, By Representatives Pflug, Murray, Sommers and Woods**

WHEREAS, The State of Washington has neighborhoods as varied and unique as the gorgeous coastal landscape and offers many great places to live; and

WHEREAS, Half an hour to the east of Seattle is the Snoqualmie Valley, nestled in the foothills of the Cascade Mountains; and

WHEREAS, The small towns in the Valley - Snoqualmie, North Bend, Preston, and Fall City - are in a geographic sweet spot, just as close to Seattle as they are to the ski slopes; and



WHEREAS, New home construction is burgeoning, but the area retains a rural feel with elk and golf courses, a place where people can relax in what Washington living used to be about; and

WHEREAS, The neighboring communities of Fremont and Ballard lie on the north side of Seattle; and

WHEREAS, Fremont is Seattle's acknowledged hip and cool spot, the kind of place where you meet people named Sunshine; and

WHEREAS, Fremont's rich stock of old industrial buildings means apartments and condos predominate with prices running from \$175,000 to \$300,000; and

WHEREAS, Next door in Ballard you'll find more houses with verdant backyards in a city shaped by hills, with homes ranging from fishermen's bungalows to new, larger constructions; and

WHEREAS, Originally a Scandinavian settlement, Ballard lies on a relatively gentle slope that opens it to sun almost all the time, a big advantage in the damp Pacific Northwest; and

WHEREAS, Ballard boasts some of the most active locks in the United States, with watching the boats a happening every day; and

WHEREAS, For those who prefer their commute by ferry, the other side of Puget Sound is the ticket with Bainbridge Island the classic off-the-mainland bedroom community; and

WHEREAS, Other close-in waterfront suburbs have even more commuters from Seattle taking the 40-minute cruise to Bremerton and the nearby communities of Silverdale and Poulsbo; and

WHEREAS, Bremerton, a Navy town, has become known as a good place to raise children with the school system rapidly improving, and homes ranging from ranches to view-stealing mansions averaging about a third less than similar spreads in Seattle itself;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State join with Money Magazine to recognize these outstanding neighborhood communities, each exemplifying a different aspect of Washington State's gorgeous coastal living, and the local community leaders who have helped shape the unique character and quality of life enjoyed by all those who live, work, and play there.

HOUSE RESOLUTION NO. 4631 was adopted.

The Speaker assumed the chair.

### **INTRODUCTION & FIRST READING**

HB 2120 by Representative Cooper

AN ACT Relating to the definition of a covered vessel; and amending RCW 88.40.011 and 88.46.010.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2121 by Representative Simpson

AN ACT Relating to modifying goals for the planning, operation, and performance of and investment in the state transportation system; and amending RCW 47.01.012.

Referred to Committee on Transportation.

HB 2122 by Representatives Schual-Berke, Benson, Cody, Campbell and Kenney

AN ACT Relating to simplifying administrative procedures for state-purchased health care programs; and creating new sections.

Referred to Committee on Health Care.

HB 2123 by Representatives Kagi, Sommers, Haigh, Chase, Kenney and Edwards

AN ACT Relating to requiring support payments for a child with a developmental disability in out-of-home care; amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 2124 by Representatives Quall, Talcott, McDermott, Tom, Haigh, Cox, Rockefeller, Hunter, Santos, Edwards and Anderson

AN ACT Relating to high school graduation requirements; amending RCW 28A.230.090, 28A.655.030, 28A.655.060, and 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 2125 by Representatives McIntire and Edwards

AN ACT Relating to minors' access to shipments and sales of tobacco products; amending RCW 70.155.010, 70.155.030, and 70.155.040; adding new sections to chapter 70.155 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 2126 by Representative Campbell

AN ACT Relating to in-home long-term care services liability; and amending RCW 4.22.070, 74.39A.095, and 74.39A.270.

Referred to Committee on Judiciary.

HB 2127 by Representatives Wallace, Mielke and Hatfield

AN ACT Relating to the number of voters in a precinct; and amending RCW 29.04.040.

Referred to Committee on State Government.

HB 2128 by Representatives Wallace and Hatfield

AN ACT Relating to precinct committee officers; and amending RCW 29.42.040 and 29.42.050.

Referred to Committee on State Government.

HB 2129 by Representatives Sommers, Haigh, Anderson, Hunter, Tom, McDermott, Talcott and Nixon

AN ACT Relating to filing reports electronically to the legislature; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government.

HB 2130 by Representatives Morris, Delvin, Sullivan, Chandler, Wallace and Anderson

AN ACT Relating to reducing the duplication of electric facilities; and amending RCW 80.32.010.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2131 by Representatives Grant, Chandler, Upthegrove, Clements, Cooper, Armstrong and Morris

AN ACT Relating to retail sales by the liquor control board fully implementing a retail business plan; amending RCW 66.08.030 and 66.08.060; adding new sections to chapter 66.08 RCW; creating a new section; and repealing RCW 66.16.080.

Referred to Committee on Commerce & Labor.

HB 2132 by Representatives Kenney, Schual-Berke, Santos and McDermott

AN ACT Relating to public building or construction contracts; amending RCW 48.30.270; reenacting and amending RCW 48.30.270; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 2133 by Representatives Woods, Mielke and Campbell

AN ACT Relating to the use of original equipment manufacturer crash parts for repair of motor vehicles; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2134 by Representatives Woods, Cooper and Cairnes

AN ACT Relating to the state board for volunteer fire fighters and reserve officers; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2135 by Representatives Morrell, Lantz, O'Brien, Darneille, Flannigan, Bush, Morris, Simpson, McDonald, McCoy, Cody, Skinner, Campbell, Santos and Kenney

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

Referred to Committee on Finance.

HB 2136 by Representatives Armstrong, Sump, Condotta and Schindler

AN ACT Relating to providing for rural economic vitality by providing new limited areas of more intense rural development; amending RCW 36.70A.360; reenacting and amending RCW 36.70A.070; and creating a new section.

Referred to Committee on Local Government.

HB 2137 by Representative Armstrong

AN ACT Relating to government security; and amending RCW 42.30.110.

Referred to Committee on State Government.

HB 2138 by Representatives Cooper, McIntire and Campbell

AN ACT Relating to rate filing requirements for casualty insurance; amending RCW 48.19.043; adding a new section to chapter 48.19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2139 by Representatives Linville, Hinkle, Morris, Sump and Pearson

AN ACT Relating to excise tax deductions for governmental payments to nonprofit organizations for salmon restoration; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2140 by Representatives Grant and Linville

AN ACT Relating to reaffirming the role of the state conservation commission; amending RCW 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530, 89.08.540, 89.08.010, 89.08.020, 89.08.080, 89.08.090, 89.08.100, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.150, 89.08.160, 89.08.170, 89.08.180, 89.08.185, 89.08.190, 89.08.200, 89.08.210, 89.08.215, 89.08.220, 89.08.341, 89.08.350, 89.08.360, 89.08.370, 89.08.390, 89.08.391, 89.08.400, 89.08.410, 89.08.440, 35.63.230, 35A.63.250, 36.70.992, 36.70A.460, 43.21C.0382, 43.30.410, 77.55.210, 90.48.430, 90.58.515, and 90.71.020; adding new sections to chapter 89.08 RCW; adding a new chapter to Title 43 RCW; creating a new section; and recodifying 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530, and 89.08.540.

Referred to Committee on Agriculture & Natural Resources.

HB 2141 by Representatives McDermott, O'Brien, Kessler, Schual-Berke, Murray, Lovick, Cody, Darneille, Mastin, McCoy, Simpson and Santos

AN ACT Relating to sentencing of hate crimes; and amending RCW 9.94A.535.

Referred to Committee on Criminal Justice & Corrections.

HB 2142 by Representatives Conway, Upthegrove, Campbell, Cooper, McCoy, Dunshee, Hudgins, Simpson, Santos, Kenney, Cody and Berkey

AN ACT Relating to protecting taxpayers and shareholders from expatriate corporations; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government.

HB 2143 by Representatives Upthegrove, Morrell and McCoy

AN ACT Relating to small trailer license fees and trip permits; amending RCW 46.16.0621 and 46.63.020; adding new sections to chapter 46.16 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2144 by Representatives Schindler, Darneille, Boldt, Campbell, Dickerson, Hankins, Skinner, Wood, Benson, Crouse, Pearson, Santos and Edwards

AN ACT Relating to allowing eviction of a tenant who engages in acts of domestic violence; and amending RCW 59.18.130 and 59.18.180.

Referred to Committee on Judiciary.

HB 2145 by Representatives Kenney, Conway and Darneille

AN ACT Relating to the nursing care quality assurance commission; and amending RCW 18.79.070.

Referred to Committee on Health Care.

HB 2146 by Representatives Tom, Sullivan and Eickmeyer

AN ACT Relating to tax incentives for wood biomass fuel production, distribution, and retail sale; amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2147 by Representatives McDermott, Upthegrove, Cox, Quall and Rockefeller

AN ACT Relating to preschool and elementary school students assisting in school kitchens; and adding a new section to chapter 28A.235 RCW.

Referred to Committee on Education.

HB 2148 by Representative Condotta

AN ACT Relating to monetary offerings for revenue enhancement; adding a new section to chapter 43.79 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2149 by Representative Condotta

AN ACT Relating to limiting government-imposed charges on motor vehicles; amending RCW 46.16.0621, 46.16.070, 82.80.020, 81.104.160, 82.80.070, and 82.80.090; and creating a new section.

Referred to Committee on Transportation.

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

## **REPORTS OF STANDING COMMITTEES**

February 24, 2003

HB 1136 Prime Sponsor, Representative Flannigan: Concerning distributions from the outdoor recreation account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson;

Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson and Woods.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1533 Prime Sponsor, Representative Schoesler: Authorizing a new subaccount in the public works assistance account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson and Woods.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1564 Prime Sponsor, Representative Alexander: Clarifying county treasurer fiscal provisions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1575 Prime Sponsor, Representative Conway: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1692 Prime Sponsor, Representative Sullivan: Changing provisions relating to protection of local government whistleblowers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 21, 2003

HB 1742 Prime Sponsor, Representative Rockefeller: Including sports and recreation facilities in public facilities districts' authority. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Kristiansen.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1782 Prime Sponsor, Representative McCoy: Creating a competitive grant program for nonprofit youth organizations. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson and Woods.

Passed to Committee on Rules for second reading.

February 21, 2003

HB 1786 Prime Sponsor, Representative Veloria: Modifying mobile home landlord-tenant provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

February 21, 2003

HJM 4011 Prime Sponsor, Representative Veloria: Requesting the state investment board to develop policies to invest more funds in Washington firms. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Blake; Chase; McCoy and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Assistant Ranking Minority Member; Condotta; Kristiansen and Priest.

Passed to Committee on Rules for second reading.

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

## SECOND READING

**HOUSE BILL NO. 1002, By Representatives Hunt, Berkey, Cooper, Romero, Linville, Chase, Kagi, Wood, Simpson, Morrell, Rockefeller, Ruderman, Fromhold, Dickerson, Conway, Kessler, Cody, Jarrett, Veloria, O'Brien, Campbell, McDermott, Clibborn, Sullivan, Nixon, McIntire, Lantz, Moeller and Hudgins**

### **Reducing the release of mercury into the environment.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1002 was substituted for House Bill No. 1002 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1002 was read the second time.

Representative Hinkle moved the adoption of amendment (026):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include, but are not limited to, mercury thermometers, mercury thermostats, and mercury switches in motor vehicles.

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

**NEW SECTION. Sec. 2.** (1) Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under subsection (2) of this section. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

(2) Except as provided in subsection (3) of this section, a lamp is considered labeled pursuant to subsection (1) of this section if the lamp has all of the following:

(a) A label affixed to the lamp that displays the internationally recognized symbol for the element mercury; and

(b) A label on the lamp's packaging that: (i) Clearly informs the purchaser that mercury is present in the item; (ii) explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws; and (iii) provides a toll-free telephone number, and a uniform resource locator internet address to a web site, that contains information on applicable disposal laws.

(3) The manufacturer of a mercury-added lamp is in compliance with the requirements of this section if the manufacturer is in compliance with the labeling requirements of another state.

(4) The provisions of this section do not apply to products containing mercury-added lamps.

**NEW SECTION. Sec. 3.** (1) The department shall develop and implement a state plan for a permanent repository for mercury that is certified under the federal resource conservation and recovery act. The plan must include the identification of local jurisdictions that are willing to host a mercury repository site.

(2) Prior to implementing the state plan for a permanent mercury repository under subsection (1) of this section, the department shall report to the legislature the details of the plan and the list of local jurisdictions that are willing to host a mercury repository site.

(3) Mercury recovered after the establishment date of a permanent repository under this section may not be sold for reuse.



**NEW SECTION. Sec. 4.** The department of health must develop an educational plan for schools, local governments, businesses, and the public on the proper disposal methods for mercury and mercury-added products.

**NEW SECTION. Sec. 5.** A school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds. By January 1, 2004, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds.

**NEW SECTION. Sec. 6.** (1) Effective January 1, 2004, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2005, no person may sell, offer for sale, or distribute for sale or use in this state a manometer that contains mercury to any health care facility in this state or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

- (i) An electronic thermometer with a button cell battery containing mercury;
- (ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;
- (iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available; or
- (iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

**NEW SECTION. Sec. 7.** (1) The department of general administration must, by January 1, 2004, revise its rules, policies, and guidelines to implement the purpose of this chapter.

(2) The department of general administration must give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless: (a) There is no economically feasible nonmercury-added alternative that performs a similar function; or (b) the product containing mercury is designed to reduce electricity consumption by at least forty percent and there is no nonmercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product. In circumstances where a nonmercury-added product is not available, preference must be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

**NEW SECTION. Sec. 8.** The department is authorized to participate in a regional or multistate clearinghouse to assist in carrying out any of the requirements of this chapter. A clearinghouse may also be used for examining notification and label requirements, developing education and outreach activities, and maintaining a list of all mercury-added products.

**NEW SECTION. Sec. 9.** A violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

**NEW SECTION. Sec. 10.** Nothing in this chapter applies to crematories as that term is defined in RCW 68.04.070.

NEW SECTION. Sec. 11. Any fiscal impact on the department or the department of health that results from the implementation of this chapter must be paid for out of funds that are appropriated by the legislature from the state toxics control account for the implementation of the department's persistent bioaccumulative toxic chemical strategy.

NEW SECTION. Sec. 12. Nothing in this chapter applies to prescription drugs regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), to biological products regulated by the food and drug administration under the public health service act (42 U.S.C. Sec. 262 et seq.), or to any substance that may be lawfully sold over-the-counter without a prescription under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

NEW SECTION. Sec. 13. Sections 1 through 12 of this act constitute a new chapter in Title 70 RCW."

Representative Morrell moved the adoption of amendment (037) to amendment (026):

On page 3, beginning on line 29 of the amendment, after "(2)" strike all material through "mercury." on line 32, and insert "(a) Effective January 1, 2005, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury."

On page 4, line 8 of the amendment, after "available;" strike "or"

On page 4, line 13 of the amendment, after "technology" strike "." and insert ";

On page 4, after line 13 of the amendment, insert the following:

"(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction promulgated by a state association of hospitals that incorporates the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002."

Representative Morrell spoke in favor of the adoption of the amendment to amendment (026).

The amendment to the amendment was adopted.

The question before the House was adoption of amendment (026) as amended.

Representatives Hinkle and Cooper spoke in favor of the adoption of the amendment (026) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt, Hinkle, DeBolt, Linville, Upthegrove and Cooper spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Veloria was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1002.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1002 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Veloria - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1287, By Representatives Lovick, Bush, Moeller, Campbell, McDonald and Cox; by request of Attorney General**

**Clarifying district court jurisdiction over actions involving commercial electronic mail.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Bush spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1287.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1287 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Veloria - 1.

HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1076, By Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi**

**Revising provisions relating to attempting to elude a pursuing police vehicle.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1076 was read the second time.

Representative Kessler moved the adoption of amendment (036):

On page 1, line 13, after "uniform" strike all material through "~~vehicle~~)" on line 15 and insert "and his or her (~~vehicle~~)vehicle's license plate shall be appropriately marked showing it to be an official police vehicle"

Representatives Kessler and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1076.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1076 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Veloria - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1190, By Representatives Quall, Tom, Grant, Talcott, Benson, Ahern, Shabro, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Linville, Pearson, Kessler, Cairnes and Mastin**

### **Changing provisions for classified staff in alternative certification programs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1190 was substituted for House Bill No. 1190 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1190 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Tom spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1190.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1190 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Veloria - 1.

SUBSTITUTE HOUSE BILL NO. 1190, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1232, By Representatives Kirby, Carrell and Flannigan**

#### **Requiring jail booking fees to be based on actual costs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1232 was substituted for House Bill No. 1232 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1232 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1232.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1232 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Veloria - 1.

SUBSTITUTE HOUSE BILL NO. 1232, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1257, By Representatives Carrell, Haigh, O'Brien and Shabro**

**Using dogs for fighting.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1257 was substituted for House Bill No. 1257 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1257 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and O'Brien spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Santos, Representative Schual-Berke was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1257.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1257 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Schual-Berke and Veloria - 2.

SUBSTITUTE HOUSE BILL NO. 1257, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1258, By Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson**

**Committing sexually violent predators.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1258 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1258.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1258 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Schual-Berke and Veloria - 2.

SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1264, By Representatives Sump, Bush and Mielke**

**Defining "nonmineral ownership interest" with respect to dedicating plats and subdivisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1264.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1264 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Schual-Berke and Veloria - 2.

HOUSE BILL NO. 1264, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1352, By Representatives Murray, Ericksen and Romero; by request of Utilities & Transportation Commission**

**Apportioning railroad crossing installation and maintenance costs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1352.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1352 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Schual-Berke and Veloria - 2.

HOUSE BILL NO. 1352, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended, the Committee on State Government was relieved of further consideration of HOUSE BILL NO. 2073, and the bill was referred to the Committee on Local Government.

There being no objection, the rules were suspended, the Committee on Judiciary was relieved of further consideration of HOUSE BILL NO. 2094, and the bill was referred to the Committee on Criminal Justice & Corrections.

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

There being no objection, the House adjourned until 9:55 a.m., February 27, 2003, the 46<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FORTY FIFTH DAY, FEBRUARY 26, 2003



---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FORTY SIXTH DAY**

---

House Chamber, Olympia, Thursday, February 27, 2003

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

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

**MESSAGES FROM THE SENATE**

February 26, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5014,  
SUBSTITUTE SENATE BILL NO. 5018,  
ENGROSSED SENATE BILL NO. 5083,  
SENATE BILL NO. 5094,  
SENATE BILL NO. 5195,  
ENGROSSED SENATE BILL NO. 5198,  
SENATE BILL NO. 5224,  
ENGROSSED SENATE BILL NO. 5245,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 5396,  
SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5575,  
SENATE JOINT MEMORIAL NO. 8000,  
SENATE JOINT MEMORIAL NO. 8003,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

**INTRODUCTION & FIRST READING**

HB 2150 by Representatives Lantz, Darneille and Sehlin

AN ACT Relating to civil legal services funding, administration, and oversight; amending RCW 43.08.260, 43.08.270, and 2.56.030; reenacting and amending RCW 43.08.250; adding a new chapter to Title 2 RCW; and recodifying RCW 43.08.260 and 43.08.270.

Referred to Committee on Judiciary.

HB 2151 by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin

AN ACT Relating to prioritizing proposed capital projects of higher education institutions; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2152 by Representatives Conway and Chandler

AN ACT Relating to unemployment insurance; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2153 by Representatives Hinkle, Pettigrew and Delvin

AN ACT Relating to stolen license plates; and amending RCW 46.16.270.

Referred to Committee on Transportation.

HB 2154 by Representatives Wood, Conway, Anderson, Tom, Ericksen and McCoy

AN ACT Relating to criteria for coverage of spinal cord stimulators and drug infusion pumps by the department of labor and industries; adding new sections to chapter 51.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2155 by Representatives Pearson and Boldt

AN ACT Relating to making certain serious crimes "one strike" offenses; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2156 by Representatives Santos, Pettigrew and Upthegrove

AN ACT Relating to recognizing the value of parent and family involvement in the academic success of children by removing barriers to admission into alternative publicly funded classrooms; amending RCW 28A.320.140; adding new sections to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 2157 by Representatives Hunt and Armstrong

AN ACT Relating to state assistance for common school construction; amending RCW 28A.520.020 and 28A.150.250; and creating a new section.

Referred to Committee on Capital Budget.

HB 2158 by Representative Conway

AN ACT Relating to addressing the industrial insurance system administered by the department of labor and industries; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2159 by Representatives Conway, Linville, Miloscia, Kenney and Morris

AN ACT Relating to information an employer must disclose to an applicant for employment; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2160 by Representatives Carrell, O'Brien, Mastin, Conway, Armstrong, Benson, Alexander, Miloscia, Ericksen and Talcott

AN ACT Relating to establishing a risk assessment office for inmates released on community custody; amending RCW 9.94A.500 and 9.94A.715; reenacting and amending RCW 9.94A.030; and adding a new chapter to Title 43 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2161 by Representative Carrell

AN ACT Relating to decreasing truancy and dropouts; amending RCW 28A.225.010; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

HB 2162 by Representatives Pflug, Linville and Anderson

AN ACT Relating to prohibiting a secure community transition facility from being located on state-owned property where recreational opportunities exist; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HJM 4021 by Representatives Wallace, Crouse, Morris, Condotta, Lovick, Kessler, Darneille, Berkey, Hatfield, Hudgins, Moeller and Blake

Requesting that the Bonneville Power Administration not raise rates.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 5014 by Senator Honeyford

AN ACT Relating to public water projects; and adding a new section to chapter 43.155 RCW.

Referred to Committee on Capital Budget.

SSB 5018 by Senate Committee on Judiciary (originally sponsored by Senators Roach, Winsley, Zarelli, Honeyford, Johnson, Carlson, Schmidt, Mulliken, Esser, T. Sheldon, Franklin, Fraser, McCaslin, Kastama, Keiser, Kline, Regala, Sheahan and Kohl-Welles)

AN ACT Relating to voyeurism; amending RCW 9A.44.115; and declaring an emergency.

Referred to Committee on Judiciary.

ESB 5083 by Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

AN ACT Relating to recognizing concealed weapon licenses issued by other states; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

SB 5094 by Senators Carlson, Jacobsen, Spanel, Fraser, B. Sheldon and Rasmussen; by request of Joint Committee on Pension Policy

AN ACT Relating to providing optional service credit for substitute service to members of the school employees' retirement system; amending RCW 41.35.010 and 41.35.030; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

SB 5195 by Senators Swecker, Rasmussen, Sheahan, Jacobsen and Brandland; by request of Department of Agriculture

AN ACT Relating to forwarding grain when an emergency storage situation exists; and amending RCW 22.09.660.

Referred to Committee on Agriculture & Natural Resources.

ESB 5198 by Senators Parlette, Winsley, Deccio, Thibaudeau, Keiser, Franklin and Brandland

AN ACT Relating to public hospital district recruitment and training; and amending RCW 70.44.060.

Referred to Committee on Health Care.

SB 5224 by Senators Benton, Prentice, Winsley, Zarelli, Johnson, T. Sheldon, Kohl-Welles, Hale, Roach and Esser

AN ACT Relating to the membership of the affordable housing advisory board; and amending RCW 43.185B.020.

Referred to Committee on Trade & Economic Development.

ESB 5245 by Senators Horn, Haugen, Mulliken, Finkbeiner, Oke, Swecker, Esser, Prentice, Benton and Kohl-Welles

AN ACT Relating to involving legislators in transportation planning; and amending RCW 47.80.040.

Referred to Committee on Transportation.

ESSB 5299 by Senate Committee on Technology & Communications (originally sponsored by Senators Stevens, Reardon, Esser, Finkbeiner, Johnson and T. Sheldon)

AN ACT Relating to promotional service offerings; and amending RCW 80.04.130, 80.36.110, 80.36.320, and 80.36.330.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 5343 by Senators Parlette, Doumit, Mulliken, Hale and Deccio

AN ACT Relating to watershed planning; and amending RCW 90.82.060.

Referred to Committee on Agriculture & Natural Resources.

SSB 5396 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland)

AN ACT Relating to court-imposed conditions of deferred prosecutions; and amending RCW 10.05.120 and 10.05.140.

Referred to Committee on Judiciary.

SSB 5452 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Benton, Prentice, Keiser and Reardon; by request of Governor Locke)

AN ACT Relating to check cashers and sellers; amending RCW 31.45.010, 31.45.020, 31.45.030, 31.45.040, 31.45.050, 31.45.060, 31.45.070, 31.45.073, 31.45.077, 31.45.090, 31.45.100, 31.45.110, and 31.45.120; adding new sections to chapter 31.45 RCW; repealing RCW 31.45.170; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 5575 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette, Morton, Doumit, Honeyford and Hale)

AN ACT Relating to small irrigation impoundments; and amending RCW 90.03.370, 90.03.380, and 90.44.100.

Referred to Committee on Agriculture & Natural Resources.

SJM 8000 by Senators Fraser, Morton, Hewitt, Keiser and Hale

Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity.

Referred to Committee on Technology, Telecommunications & Energy.

SJM 8003 by Senators Fraser, Rossi, Kohl-Welles, Fairley, Jacobsen, Benton, Eide, Esser, Franklin, Hale, Haugen, Johnson, Kline, McAuliffe, Oke, Parlette, Rasmussen, Regala, Roach, Schmidt, B. Sheldon, Spanel, Stevens, Thibaudeau, Winsley and Zarelli

Requesting Congress to restore the sales tax deduction for federal income taxes.

Referred to Committee on Finance.

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

## **REPORTS OF STANDING COMMITTEES**

HB 1031 Prime Sponsor, Representative Lovick: Revising rules for payment of traffic infraction and misdemeanor penalties. Reported by Committee on Judiciary

February 25, 2003

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1034 Prime Sponsor, Representative Morris: Providing technology product development tax incentives. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Finance.

February 25, 2003

HB 1040 Prime Sponsor, Representative O'Brien: Removing the statute of limitations on childhood sexual abuse civil cases. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1052 Prime Sponsor, Representative Nixon: Limiting the liability of certain persons who provide volunteer emergency repairs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1100 Prime Sponsor, Representative Linville: Regulating the sale, processing, or purchase of agricultural products. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1195 Prime Sponsor, Representative Delvin: Limiting the liability of landowners for unintentional injuries incurred while rock climbing. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1217 Prime Sponsor, Representative Lantz: Authorizing speeding enforcement on certain private roads. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1245 Prime Sponsor, Representative Linville: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1250 Prime Sponsor, Representative Eickmeyer: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 25, 2003

HB 1274 Prime Sponsor, Representative Lantz: Revising the rate of interest on certain tort judgments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby.

Referred to Committee on Appropriations.

February 25, 2003

HB 1278 Prime Sponsor, Representative Conway: Listing property for tax purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1283 Prime Sponsor, Representative Lovick: Adjusting time requirements for vacation of convictions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1292 Prime Sponsor, Representative Rockefeller: Authorizing additional superior court judicial positions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1339 Prime Sponsor, Representative Simpson: Regulating escrow agents and officers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1428 Prime Sponsor, Representative Wood: Revising provisions for electrical trainees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1466 Prime Sponsor, Representative Quall: Promoting natural science, wildlife, and environmental education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Santos.

Referred to Committee on Appropriations.

February 25, 2003

HB 1472 Prime Sponsor, Representative Veloria: Managing clean and sober housing. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003



HB 1480 Prime Sponsor, Representative Clibborn: Allowing sharing of condemnation appraisal information. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1481 Prime Sponsor, Representative Sullivan: Modifying relocation assistance provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Transportation.

February 26, 2003

HB 1483 Prime Sponsor, Representative Lantz: Allowing judicial members on the board of industrial insurance appeals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1495 Prime Sponsor, Representative Hudgins: Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1510 Prime Sponsor, Representative Haigh: Modifying the prorationing of fire protection district property tax levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1512 Prime Sponsor, Representative Cox: Allowing special hunts to reduce crop damage caused by wildlife. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1526 Prime Sponsor, Representative Linville: Revising provisions relating to cost-reimbursement agreements between state agencies and permit applicants. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1530 Prime Sponsor, Representative Grant: Changing rules for venue for declaratory judgments under the administrative procedure act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1566 Prime Sponsor, Representative Alexander: Modifying record retention provisions for county auditors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1572 Prime Sponsor, Representative Kirby: Increasing small claims judgments upon failure to pay. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1576 Prime Sponsor, Representative Campbell: Revising provisions relating to dismissal of citations for failure to provide proof of insurance. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1580 Prime Sponsor, Representative Lantz: Revising provisions of the personality rights act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1584 Prime Sponsor, Representative Lantz: Changing provisions relating to the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1591 Prime Sponsor, Representative Gombosky: Modifying excise tax interest provisions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1593 Prime Sponsor, Representative Berkey: Requiring the delivery of endorsements by recording officers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1594 Prime Sponsor, Representative Berkey: Clarifying the role of a chief financial officer in a charter county. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1604 Prime Sponsor, Representative Cody: Increasing the number of health care facilities that are prohibited from requiring employees to perform overtime work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1605 Prime Sponsor, Representative Ruderman: Creating a statewide justice information network. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake;

Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1619 Prime Sponsor, Representative Lovick: Increasing penalties for driving while under the influence with children in the vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1620 Prime Sponsor, Representative Kenney: Providing a specific funding mechanism for making community and technical college faculty salary increment awards. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Referred to Committee on Appropriations.

February 24, 2003

HB 1636 Prime Sponsor, Representative Wood: Requiring revenue transfers for the treatment of pathological gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

February 25, 2003

HB 1645 Prime Sponsor, Representative Kessler: Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1666 Prime Sponsor, Representative Delvin: Limiting the liability of owners of irrigation canal rights of way for injuries to certain users. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 24, 2003

HB 1667 Prime Sponsor, Representative Conway: Clarifying local government land use and zoning powers over gambling activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1677 Prime Sponsor, Representative Shabro: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; Hunt.

Referred to Committee on Finance.

February 25, 2003

HB 1731 Prime Sponsor, Representative Kenney: Changing provisions in the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1743 Prime Sponsor, Representative Cooper: Addressing problems of hazardous waste facilities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1745 Prime Sponsor, Representative Kessler: Requiring inspections of egg-laying facilities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Referred to Committee on Appropriations.

February 25, 2003

HB 1763 Prime Sponsor, Representative Berkey: Providing for conditional scholarships for prospective teachers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Referred to Committee on Appropriations.

February 25, 2003

HB 1792 Prime Sponsor, Representative Moeller: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Referred to Committee on Appropriations.

February 25, 2003

HB 1805 Prime Sponsor, Representative O'Brien: Changing the number of district court judges. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1822 Prime Sponsor, Representative Lantz: Changing the number of district court judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1861 Prime Sponsor, Representative Tom: Establishing a statewide web-based clearinghouse for resources and learning tools. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 28, 2003, the 47<sup>th</sup> Day of the Regular Session.

FORTY SIXTH DAY, FEBRUARY 27, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FORTY SEVENTH DAY**

---

House Chamber, Olympia, Friday, February 28, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Hatfield presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sean Pearson and Heather Catron. Prayer was offered by Interim Ritual Leader Amy Lowenthal, Temple Beth Hatfiloh, Olympia.

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

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

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1110, By Representatives Newhouse, Clibborn, Lovick, Benson, Cooper and Haigh**

**Increasing the monthly pensions for volunteer fire fighters and reserve officers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Newhouse spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representative Santos, Representatives Chopp and Edwards were excused. On motion of Representative Clements, Representative Campbell was excused.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1110.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1110 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Clements congratulated Representative Newhouse on the passage of his first bill through the House and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1179, By Representatives Veloria, Roach, Bush, Kenney, Kessler, Grant and Chase; by request of Lieutenant Governor**

**Renaming the legislative committee on economic development the legislative committee on economic development and international relations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Veloria spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1179.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1179 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1179, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1200, By Representatives Conway, Pflug and Cooper; by request of Joint Committee on Pension Policy**

**Correcting retirement system statutes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1200.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1200 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1200, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1226, By Representatives Moeller, Campbell, Lantz and Carrell**

**Authorizing service of summons for persons not found in this state.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Moeller spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1226.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1226 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1226, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1276, By Representatives Cody, Cairnes, Kenney and Wood; by request of Horse Racing Commission**

**Authorizing the horse racing commission to continue receiving criminal history information.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1276 was read the second time.

The bill was placed on final passage.

Representatives Cody and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1276.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1276 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

SUBSTITUTE HOUSE BILL NO. 1276, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1279, By Representatives Lantz, Carrell, Moeller, Newhouse, Kirby, Lovick, Morris, Campbell, Linville, McMahan, Crouse and Flannigan**

**Revising provisions for committees of members of nonprofit corporations.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1279.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1279 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1279, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1318, By Representatives Darneille, Cody, Clements, Campbell, Bush, Anderson and Pflug; by request of Department of Health**

**Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Darneille spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1318.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1318 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1318, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1348, By Representatives Flannigan and Moeller; by request of Office of the Code Reviser**

**Making technical corrections.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1348.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1348 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1348, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1349, By Representatives Flannigan and Moeller; by request of Office of the Code Reviser**

**Correcting obsolete references to fish and wildlife statutes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1349.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1349 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1351, By Representatives Flannigan and Moeller; by request of Office of the Code Reviser**

#### **Correcting outdated internal references.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1351.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1351 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1351, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1391, By Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, McIntire, Cooper, Moeller, Simpson, Flannigan, Wallace, Wood and Kenney**

**Adjusting procedures for postconviction DNA testing.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1391.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1391 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1494, By Representatives Delvin, Cooper, Jarrett, Berkey, Upthegrove and Conway**

**Allowing state and local governments to sell and lease property to foreign entities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1494 was read the second time.

The bill was placed on final passage.

Representatives Delvin and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1494.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1494 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

SUBSTITUTE HOUSE BILL NO. 1494, having received the necessary constitutional majority, was declared passed.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Hatfield presiding) pointed out to the Chamber that the 2001 Nisqually Earthquake occurred on this day.

**HOUSE BILL NO. 1556, By Representatives Moeller, Orcutt, Boldt and Fromhold; by request of Administrative Office of the Courts**

**Authorizing one additional district court judge for Clark county.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Moeller and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1556.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1556 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Campbell, Edwards and Mr. Speaker - 3.

HOUSE BILL NO. 1556, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1583, By Representatives Kirby and Campbell**

**Changing requirements for issuing salary warrants for judges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1583.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1583 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 96.

Excused: Representatives Edwards and Mr. Speaker - 2.

HOUSE BILL NO. 1583, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1637, By Representatives Wood, Conway, Kenney, Hudgins, McCoy, Moeller, Linville, Santos, Upthegrove and Rockefeller**

**Promoting education on compulsive gambling.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 1637.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1637 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,



Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 96.

Excused: Representatives Edwards and Mr. Speaker - 2.

HOUSE BILL NO. 1637, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1675, By Representatives Moeller, McMahan and Kirby**

**Updating civil trial provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1675 was read the second time.

The bill was placed on final passage.

Representatives Moeller and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1675.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1675 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 96.

Excused: Representatives Edwards and Mr. Speaker - 2.

SUBSTITUTE HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4007, By Representatives Hinkle, Chopp, Haigh, Woods, Dunshee, Kirby, Boldt, O'Brien, Armstrong, DeBolt, Ahern, Newhouse, Simpson, Holmquist, Cairnes, Sump, Pearson, Shabro, Delvin, Hudgins, Linville, Conway, Skinner, Sullivan and Kenney**

**Requesting the issuance of an American coalminers stamp.**

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Hinkle and DeBolt spoke in favor of passage of the joint memorial.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4007.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4007 and the joint memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 96.

Excused: Representatives Edwards and Mr. Speaker - 2.

HOUSE JOINT MEMORIAL NO. 4007, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Hatfield presiding) called upon Representative Lovick to preside.

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

### **INTRODUCTION & FIRST READING**

HB 2163 by Representative McCoy

AN ACT Relating to regulating credit card marketing to college students on the campuses of institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2164 by Representatives Conway, Wood and Kenney

AN ACT Relating to the Washington manufacturing advisory partnership; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2165 by Representatives Conway and Wood

AN ACT Relating to electrical licensing and certification requirements applicable to persons working in the appliance repair specialty; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2166 by Representatives Grant, Mastin, Schindler and Mielke

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2167 by Representative Simpson

AN ACT Relating to a special Washington state heritage license plate series; amending RCW 46.16.313, 46.16.233, and 46.16.316; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2168 by Representatives Edwards and O'Brien

AN ACT Relating to the taxation of lodging; and amending RCW 67.28.181.

Referred to Committee on Finance.

HB 2169 by Representatives Lovick, Ahern, Haigh, O'Brien, Lantz, Dunshee, Dickerson, Sullivan, Hankins, Morris, Wood, Romero, Kenney, Simpson, Quall, McCoy, Cooper, Edwards, Berkey, Eickmeyer, Chase, Hudgins, Flannigan, Miloscia and Moeller

AN ACT Relating to regulation of race car driving schools; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2170 by Representatives DeBolt, Alexander and Benson

AN ACT Relating to tax deferrals for community revitalization in distressed communities that stimulate business activity and help retain and create jobs; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 2171 by Representatives Edwards, Schindler and Benson

AN ACT Relating to providing for insurance in lieu of official bonds for county officials; amending RCW 3.34.090, 36.16.050, 36.16.060, 36.23.020, 36.28.030, 36.32.060, and 65.12.060; and repealing RCW 65.12.055.

Referred to Committee on Local Government.

HB 2172 by Representatives Sullivan, Morris, Benson, Rockefeller, Wood and Hudgins

AN ACT Relating to promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2173 by Representatives Schindler, Miloscia, O'Brien, Ahern, Mielke, Holmquist, Boldt, Roach, Kristiansen, Cox, Bush, Carrell, Benson, McMahan, Pearson, Campbell, Ericksen, Crouse and Hinkle

AN ACT Relating to respecting and protecting the unborn; amending RCW 70.58.150, 68.50.610, 68.04.020, 68.50.110, 9.02.110, and 9.02.170; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 2174 by Representatives Boldt, McMahan, Crouse, Schindler and Mielke

AN ACT Relating to prohibiting special rights based on certain sexual preferences and practices; adding new sections to chapter 49.60 RCW; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Judiciary.

HB 2175 by Representatives Boldt, Crouse, Schindler and Mielke

AN ACT Relating to clarifying malicious harassment; amending RCW 9A.36.080; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Criminal Justice & Corrections.

HB 2176 by Representatives Boldt, Ahern, McMahan, Crouse and Schindler

AN ACT Relating to reaffirming and protecting the institution of marriage; amending RCW 26.04.020; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Juvenile Justice & Family Law.

HB 2177 by Representatives Wallace, Boldt, Lovick, Mielke and Rockefeller

AN ACT Relating to air bags in rebuilt vehicles; and amending RCW 46.12.030.

Referred to Committee on Transportation.

HB 2178 by Representatives Schindler and Mielke

AN ACT Relating to shoreline management; amending RCW 90.58.020, 90.58.030, 90.58.065, 90.58.090, 90.58.100, 90.58.120, 90.58.130, 90.58.140, 90.58.180, 90.58.190, 90.58.195, 90.58.200, 90.58.250, and 90.58.340; adding a new chapter to Title 90 RCW; and repealing RCW 90.58.060 and 90.58.080.

Referred to Committee on Local Government.

HB 2179 by Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan

AN ACT Relating to municipal departments of district court; amending RCW 3.38.020, 3.38.030, 3.38.040, 3.46.040, 3.46.090, and 3.46.150; and creating a new section.

Referred to Committee on Judiciary.

HB 2180 by Representatives Romero, Hunt, Sommers, Armstrong, Conway, Kessler, Kenney, Rockefeller and McDermott

AN ACT Relating to early retirement; reenacting and amending RCW 41.45.061; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Appropriations.

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

### REPORTS OF STANDING COMMITTEES

February 25, 2003

HB 1041 Prime Sponsor, Representative Lantz: Authorizing mental health advance directives.  
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Appropriations.

February 26, 2003

HB 1065 Prime Sponsor, Representative Conway: Establishing apprenticeship utilization requirements for public works projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Capital Budget.

February 26, 2003

HB 1109 Prime Sponsor, Representative Clibborn: Providing wildland fire fighting training. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Hunter; Kagi; Kenney; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1151 Prime Sponsor, Representative Lovick: Regulating the keeping of dangerous wild animals.  
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1211 Prime Sponsor, Representative Conway: Modifying accountability requirements under the public accountability act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson,

Assistant Ranking Minority Member; Alexander; Boldt; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Hunter; Kagi; Kenney; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1346 Prime Sponsor, Representative Lovick: Changing provisions relating to vacation of records of conviction for pre-sentencing reform act felony offenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1442 Prime Sponsor, Representative Wood: Revising provisions for sale of timeshares. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1486 Prime Sponsor, Representative O'Brien: Exempting the surviving spouse and children of certain law enforcement officers or fire fighters from paying tuition and fees. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1503 Prime Sponsor, Representative Miloscia: Encouraging the office of the administrator for the courts to conduct performance audits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Cody; Conway; Cox; DeBolt; Dunshee; Hunter; Kagi; Kenney; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1509 Prime Sponsor, Representative Skinner: Establishing the economic development commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority

Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Hunter; Kagi; Kenney; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1568 Prime Sponsor, Representative Darneille: Modifying physician assistant provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1717 Prime Sponsor, Representative Cody: Authorizing separate billing of tenants for water and wastewater services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1724 Prime Sponsor, Representative Cody: Conforming the department of services for the blind provisions with federal law. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1726 Prime Sponsor, Representative Haigh: Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, line 5, after "in the" strike "Seattle consumer price index" and insert "consumer price index for all urban consumers, CPI-U, for Seattle, or a successor index, for the previous biennium as calculated by the United States department of labor"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1784 Prime Sponsor, Representative Darneille: Improving coordination of services for children's mental health. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 26, 2003

HB 1833 Prime Sponsor, Representative Kagi: Concerning unemployment compensation payable to individuals who took family and medical leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 25, 2003

HB 1887 Prime Sponsor, Representative Linville: Creating the commercial fisheries permit buyback account. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Referred to Committee on Appropriations.

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

## SECOND READING

**HOUSE BILL NO. 1153, By Representatives Haigh, Miloscia, Armstrong, Hunt, Nixon, Shabro and Mielke; by request of Secretary of State**

### **Managing confidential records.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1153 was substituted for House Bill No. 1153 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1153 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1153.

## ROLL CALL



The Clerk called the roll on the final passage of Substitute House Bill No. 1153 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1153, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1380, By Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell**

**Criminalizing interference with certain mining rights and activities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1380 was substituted for House Bill No. 1380 and the Substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1380 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Rockefeller spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Linville was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1380.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1380 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Linville - 2.

SUBSTITUTE HOUSE BILL NO. 1380, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1459, By Representatives Pettigrew, Schoesler, Hunt, Chandler, Sullivan, Rockefeller, Eickmeyer, Grant, Hudgins, Cody, Veloria, Anderson, Berkey, Campbell, Wallace, McDermott, McDonald and Ruderman**

**Allowing limited marketing of bottled wine at farmers markets.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1459 was substituted for House Bill No. 1459 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1459 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Schoesler, Cooper, Hinkle, Flannigan, Benson and Santos spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1459.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1459 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Linville - 2.

SUBSTITUTE HOUSE BILL NO. 1459, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Pettigrew on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**POINT OF PERSONAL PRIVILEGE**

Representative Kagi took a moment of personal privilege to inform the Chamber of the death of Rosie (Rosalyn) Oreskovich. Ms. Oreskovich was the Assistant Secretary of the Children's Administration in the Department of Social and Health Services.

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

There being no objection, the House adjourned until 10:00 a.m., March 3, 2003, the 50<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FORTY SEVENTH DAY, FEBRUARY 28, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTIETH DAY**

---

House Chamber, Olympia, Monday, March 3, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Will Graham and Anna Gebhardt. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Iman Mohammed Joban, Islamic Center of Olympia.

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

**INTRODUCTION & FIRST READING**

HB 2181 by Representative Hinkle

AN ACT Relating to making water available for increased subdivision and short-subdivision residential densities; and amending RCW 58.17.020 and 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

HB 2182 by Representatives Hunt and Romero

AN ACT Relating to exemptions from water well construction license requirements; and amending RCW 18.104.180.

Referred to Committee on Agriculture & Natural Resources.

HB 2183 by Representatives Ericksen and Romero

AN ACT Relating to the amount allowed for unbid sewer and water projects; and amending RCW 57.08.050.

Referred to Committee on Local Government.

HB 2184 by Representatives McIntire, Cox, Dunshee, Kenney and Alexander

AN ACT Relating to higher education facilities; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2185 by Representatives Cooper, Uptegrove, Pearson and Buck

AN ACT Relating to the recreational salmon and marine fish enhancement program; amending RCW 77.105.010 and 77.105.150; and adding a new section to chapter 77.105 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2186 by Representatives Fromhold, Armstrong and Sommers

AN ACT Relating to making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2187 by Representative Gombosky

AN ACT Relating to the business and occupation tax treatment of staffing businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2188 by Representatives Wood and Conway

AN ACT Relating to ensuring safe repair, replacement, and maintenance work on elevators and other conveyances; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2189 by Representatives Veloria and Pettigrew

AN ACT Relating to small businesses.

Referred to Committee on Trade & Economic Development.

HB 2190 by Representatives Ahern, Benson, Kirby, Flannigan, Condotta, Sullivan, McDonald, Boldt, Crouse, Holmquist, Talcott, Shabro, Cairnes, Schindler, Schoesler, Pearson, Pflug, Kristiansen and McMahan

AN ACT Relating to recognizing service in private schools; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

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

## **REPORTS OF STANDING COMMITTEES**

February 27, 2003

HB 1000 Prime Sponsor, Representative Sullivan: Regulating the authority of metropolitan municipal corporations to acquire property. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.  
Passed to Committee on Rules for second reading.

February 27, 2003

HB 1093 Prime Sponsor, Representative Hatfield: Updating primary ballot rotation law. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon and Tom.

MINORITY recommendation: Do not pass. Signed by Representatives Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1094 Prime Sponsor, Representative Hatfield: Extending mail balloting. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1129 Prime Sponsor, Representative Sommers: Allowing public officials to provide information on the impact of ballot propositions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1158 Prime Sponsor, Representative Miloscia: Enhancing voting systems certification. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1192 Prime Sponsor, Representative Cody: Regulating the catheterization of students. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking

Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1431 Prime Sponsor, Representative McDermott: Changing the primary to June. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1642 Prime Sponsor, Representative Morrell: Modifying medical information exchange and disclosure provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1691 Prime Sponsor, Representative Grant: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1720 Prime Sponsor, Representative Upthegrove: Revising provisions for petitioning for nonparental custody of a child. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer; Hinkle and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1734 Prime Sponsor, Representative Romero: Updating the state building code. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

February 26, 2003

HB 1738 Prime Sponsor, Representative Haigh: Providing for recoupment of state employee salary and wage overpayments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1767 Prime Sponsor, Representative Lovick: Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1802 Prime Sponsor, Representative Clements: Clarifying fiscal impact of initiatives. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1838 Prime Sponsor, Representative Dickerson: Providing access to a telephonic reading service for blind or visually handicapped persons in the state of Washington. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1865 Prime Sponsor, Representative Cody: Improving patient safety practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

February 27, 2003

HB 1926 Prime Sponsor, Representative Lantz: Limiting the use of expert witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1927 Prime Sponsor, Representative Lantz: Concerning mandatory mediation and arbitration of health care claims. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1928 Prime Sponsor, Representative Lantz: Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1929 Prime Sponsor, Representative Lantz: Reenacting the eight-year statute of repose. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1980 Prime Sponsor, Representative Boldt: Changing work activity provisions under the TANF program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2003

HJR 4208 Prime Sponsor, Representative Moeller: Amending the Constitution to require fiscal responsibility of initiatives. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon.



Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1090, By Representatives Veloria, Roach, O'Brien, Bush, Lantz, Clements, Linville, Kenney, Boldt, Sullivan, Upthegrove, Chase, Darneille, Hudgins and Edwards**

**Extending the task force against trafficking of persons.**

The bill was read the second time.

Representative Mielke moved the adoption of amendment (034):

On page 2, after line 30, insert:  
"New Section. Sec. 4. If specific funding for the purposes of this act, House Bill 1090, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria, Roach, Darneille, Morris and Anderson spoke in favor of passage of the bill.

Representative Mielke spoke against the passage of the bill.

## MOTION

On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1090.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1090 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Mielke - 1.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1090, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1369, By Representatives Romero and Alexander**

**Requiring continuing education for land surveyors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 32<sup>nd</sup> Day, February 13, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Alexander spoke in favor of passage of the bill.

Representatives Holmquist and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1369.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1369 and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Blake, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Condotta, Cox, Crouse, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, Mielke, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Skinner, Sump, and Talcott - 32.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1369, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1013, By Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan**

**Requiring a performance audit of the utilities and transportation commission.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1013 was substituted for House Bill No. 1013 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1013 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1013.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1013 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1074, By Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell**

**Allowing release of impounded vehicles to owners.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1074 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1074 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1088, By Representatives Fromhold and Moeller**

**Authorizing removal of vehicles from restricted parking zones.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1088.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1088 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1106, By Representatives Bush, Haigh, Kenney, Miloscia, McDonald, Campbell, Cox, Edwards, Clements, Veloria, Wood, Pearson, Schindler, Mielke, Woods, Sullivan, Shabro, Roach, Benson, Buck, Condotta, Talcott, Priest, Sump, Carrell, Anderson, Lantz, Schoesler, Darneille, Nixon, Kagi, Boldt, Lovick, McDermott, Pflug, McCoy, Upthegrove and McMahan**

**Authorizing the secretary of state to observe county election facilities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1106.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1106 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hunt - 1.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1106, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1127, By Representatives Hatfield, Buck, Cooper, Blake, Pearson and Berkey**

**Concerning the direct retail sale of sturgeon and tuna.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1127 was substituted for House Bill No. 1127 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1127 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1127.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1127 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1159, By Representatives Miloscia, Armstrong, Hunt, Tom, Shabro, Haigh and McDermott; by request of Secretary of State**

**Reorganizing election laws.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1159 was substituted for House Bill No. 1159 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1159 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1159.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1159 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1159, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1191, By Representatives Fromhold, Cox, Moeller, Talcott, Wallace, Pflug, Grant, Lovick, Dunshee, Anderson, Delvin, McCoy, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schual-Berke, Linville, Lantz, Pearson, Kessler, Morrell, Cairnes and Simpson**

**Offering health care benefit plans to school district employees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1191 was substituted for House Bill No. 1191 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1191 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1191.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1191 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1191, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1193, By Representatives Quall, Talcott, McDermott, Cox, Benson, Ahern, Hunter, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Rockefeller, Cairnes, Mastin, Grant, Kagi and Upthegrove**

**Including a classified employee on the Washington professional educator standards board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1193.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1193 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.  
Excused: Representative Edwards - 1.

HOUSE BILL NO. 1193, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1202, By Representatives Simpson, Cooper, Delvin, Conway, Pflug, Hinkle, McDermott and Chase; by request of Joint Committee on Pension Policy**

**Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1202 was substituted for House Bill No. 1202 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1202 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Hinkle and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1202.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1202 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1202, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., March 4, 2003, the 51<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTIETH DAY, MARCH 3, 2003





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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**FIFTY FIRST DAY**

---

House Chamber, Olympia, Tuesday, March 4, 2003

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

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

**INTRODUCTION & FIRST READING**

HB 2191 by Representatives Gombosky, Holmquist, McIntire, Alexander, Cooper and Armstrong

AN ACT Relating to establishing the tax rate on other tobacco products at a level that will provide for collection of the most overall tax revenue; amending RCW 82.26.010, 82.26.020, 82.26.025, 43.72.900, and 82.26.130; adding new sections to chapter 82.26 RCW; repealing RCW 82.26.028; and prescribing penalties.

Referred to Committee on Finance.

HB 2192 by Representatives Cody and Clements

AN ACT Relating to parimutuel taxation; amending RCW 67.16.105; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2193 by Representative Conway

AN ACT Relating to implementing Initiative Measure No. 790; amending RCW 44.44.040; reenacting and amending RCW 43.84.092; adding new sections to chapter 41.26 RCW; adding a new section to chapter 41.45 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2194 by Representative Ruderman

AN ACT Relating to the definition of senior in the fish and wildlife code; and amending RCW 77.08.010.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2195 by Representatives McDermott, Talcott, Quall, Tom and Haigh

AN ACT Relating to state academic standards; amending RCW 28A.655.060 and 28A.655.070; adding new sections to chapter 28A.655 RCW; creating new sections; and providing an effective date.

Referred to Committee on Education.

HB 2196 by Representatives Sommers and Fromhold; by request of Office of Financial Management

AN ACT Relating to the revision and variance reporting of noncash deficit-related state agency allotments; and amending RCW 43.88.110.

Referred to Committee on Appropriations.

HB 2197 by Representatives Conway, Benson, Grant, McDonald, Dunshee, Cox, Ruderman, Buck, Miloscia, Delvin, Cooper, Hinkle, Gombosky, Campbell, Simpson, Linville, Hunt and Berkey

AN ACT Relating to implementing Initiative Measure No. 790; amending RCW 44.44.040 and 41.45.060; reenacting and amending RCW 41.45.061 and 41.45.070; adding new sections to chapter 41.26 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2198 by Representatives Cooper, Delvin and Simpson

AN ACT Relating to removing the allocation of excess earnings from section 6 of Initiative Measure No. 790; and amending RCW 41.26.725.

Referred to Committee on Appropriations.

HB 2199 by Representative Morris

AN ACT Relating to telecommunications; amending RCW 80.36.300, 80.36.320, and 80.36.135; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2200 by Representatives Bailey, Cairnes, Benson, Roach, Sehlin, Shabro, Pflug, Holmquist, Chandler, Sump, Kristiansen, Anderson, McDonald and Bush

AN ACT Relating to Operation Enduring Freedom; amending RCW 84.56.020; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2201 by Representatives Woods, Bailey, Cairnes, Benson, Roach, Sehlin, Shabro, Pflug, Holmquist, Chandler, Sump, Kristiansen, McDonald and Bush

AN ACT Relating to interest and penalties on unpaid taxes due to involvement with Operation Enduring Freedom; adding a new section to chapter 82.32 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2202 by Representatives McDonald and Conway

AN ACT Relating to cosmetology apprenticeship; and amending RCW 18.16.020, 18.16.070, 18.16.090, and 18.16.100.

Referred to Committee on Commerce & Labor.

HB 2203 by Representative Conway

AN ACT Relating to modifying electrical permitting and inspection requirements applicable to work that requires minimal electrical circuit modifications and has limited exposure hazards; and creating a new section.

Referred to Committee on Commerce & Labor.

HJM 4022 by Representatives O'Brien, Haigh, Simpson, Hudgins and Romero

Petitioning the President to reaffirm our nation's commitments to the Constitution.

HCR 4404 by Representatives McDermott, Tom, Quall, Talcott and Hunt

Creating a joint select committee to examine the K-12 governance structure.

Referred to Committee on Education.

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

### **REPORTS OF STANDING COMMITTEES**

March 3, 2003

HB 1005 Prime Sponsor, Representative Morris: Creating the joint task force on long-term energy supply. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Technology, Telecommunications & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1073 Prime Sponsor, Representative Haigh: Modifying the collection of property taxes on land subleased for residential and recreational purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1123 Prime Sponsor, Representative Kenney: Creating the state financial aid account. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1204 Prime Sponsor, Representative Fromhold: Creating the select committee on pension policy.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander; Clements; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; McDonald; McIntire; Miloscia; Pflug; Ruderman and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt; Buck; Cox; Linville; Schual-Berke and Sump.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1219 Prime Sponsor, Representative Schual-Berke: Addressing violations connected with the offer, sale, or purchase of securities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1230 Prime Sponsor, Representative Simpson: Regulating insurable interests and employer-owned life and disability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1240 Prime Sponsor, Representative Sullivan: Providing tax incentives for biodiesel and alcohol fuel production. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

February 28, 2003

HB 1241 Prime Sponsor, Representative Sullivan: Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

February 28, 2003

HB 1271 Prime Sponsor, Representative Anderson: Enhancing interoperability of emergency communications. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

February 28, 2003

HB 1290 Prime Sponsor, Representative Sump: Establishing bond requirements for title insurance agent licenses. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1335 Prime Sponsor, Representative Cooper: Continuing the development of water trail sites in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Fisheries, Ecology & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1336 Prime Sponsor, Representative Linville: Concerning watershed planning grants and implementation lead agencies. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen; Orcutt and Sump.

Referred to Committee on Appropriations.

February 28, 2003

HB 1337 Prime Sponsor, Representative Rockefeller: Concerning the construction of an additional or replacement well. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1338 Prime Sponsor, Representative Linville: Providing additional certainty for municipal water rights. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Orcutt and Sump.

Referred to Committee on Appropriations.

February 27, 2003

HB 1342 Prime Sponsor, Representative Orcutt: Exempting active military personnel and veterans from hunter education certificate requirements. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1375 Prime Sponsor, Representative Dickerson: Eliminating basic health plan eligibility of persons holding student visas. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1377 Prime Sponsor, Representative Alexander: Staggering vessel registration. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Referred to Committee on Appropriations.

March 3, 2003

HB 1390 Prime Sponsor, Representative Moeller: Authorizing instant runoff voting. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn; Ericksen; Mielke and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1410 Prime Sponsor, Representative Fromhold: Authorizing certain PUDs to operate an electrical appliance repair service. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1420 Prime Sponsor, Representative Quall: Allowing special districts to provide drainage ditches and tide gates. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1427 Prime Sponsor, Representative Lantz: Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1438 Prime Sponsor, Representative Sullivan: Providing incentives to reduce air pollution through the use of neighborhood electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Clibborn; Cooper; Dickerson; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Romero; Simpson and Wood.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1455 Prime Sponsor, Representative Santos: Licensing and regulating money transmission and currency exchange. Reported by Committee on Financial Institutions & Insurance



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Referred to Committee on Appropriations.

February 28, 2003

HB 1460 Prime Sponsor, Representative Pettigrew: Creating a Washington state day of civil liberties remembrance. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1477 Prime Sponsor, Representative Cooper: Strengthening laws against fuel tax evasion. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Romero; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Mielke; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1479 Prime Sponsor, Representative Sullivan: Authorizing the ferry system to use alternative public works contracting procedures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1492 Prime Sponsor, Representative Conway: Including nonprofits in the small business economic impact statement requirement. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1493 Prime Sponsor, Representative Campbell: Clarifying the scope of practice of a dental hygienist. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking

Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1506 Prime Sponsor, Representative O'Brien: Penalizing assault on state employees. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1531 Prime Sponsor, Representative Grant: Requiring the governor's signature on significant legislative rules. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1534 Prime Sponsor, Representative Condotta: Clarifying the state's authority to regulate water pollution. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1570 Prime Sponsor, Representative Kessler: Creating the position of poet laureate. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Shabro, Assistant Ranking Minority Member; Nixon.

Referred to Committee on Appropriations.

February 27, 2003

HB 1571 Prime Sponsor, Representative Holmquist: Enhancing enforcement of child support obligations. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1596 Prime Sponsor, Representative Dunshee: Increasing the surcharge for the preservation of historical documents. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Appropriations.

February 27, 2003

HB 1597 Prime Sponsor, Representative Mielke: Allowing holders of commercial drivers' licenses to delay a physical examination. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper and Dickerson.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1615 Prime Sponsor, Representative Dunshee: Requiring vehicle sound system components to be securely attached. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1616 Prime Sponsor, Representative Dunshee: Allowing intermediate licensees under parental supervision to carry nonfamily members. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 2, line 15, after "a" strike "parent or guardian" and insert "licensed driver with at least five years of driving experience"

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Clibborn; Dickerson; Flannigan; Hudgins; Kristiansen; Lovick; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper; Hankins; Hatfield and Morris.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1624 Prime Sponsor, Representative Hudgins: Modifying provisions of the Washington telephone assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Technology, Telecommunications & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander; Boldt; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Buck; Clements; Cox; Pflug and Sump.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1630 Prime Sponsor, Representative O'Brien: Requiring proceeds from the sale of facilities listed in chapter 71A.20 RCW to support programs for persons with developmental disabilities. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 27, 2003

HB 1638 Prime Sponsor, Representative Schual-Berke: Concerning hepatitis C. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

February 28, 2003

HB 1656 Prime Sponsor, Representative Ruderman: Modifying fees for locating unclaimed property. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1660 Prime Sponsor, Representative McDermott: Increasing accountability of ballot measure petitions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong,

Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1668 Prime Sponsor, Representative Hunter: Determining years of service for educational staff associate positions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 28, 2003

HB 1670 Prime Sponsor, Representative McDermott: Adjusting the definition of "election cycle." Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1676 Prime Sponsor, Representative Schual-Berke: Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1693 Prime Sponsor, Representative Cody: Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; Miloscia; Pflug; Ruderman; Schual-Berke and Sump.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1695 Prime Sponsor, Representative Quall: Providing tax incentives for certain multiple-unit dwellings in urban centers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Referred to Committee on Finance.

February 27, 2003

HB 1698 Prime Sponsor, Representative Cooper: Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Pearson.

Referred to Committee on Capital Budget.

February 27, 2003

HB 1705 Prime Sponsor, Representative Simpson: Funding tire recycling. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck and Pearson.

Referred to Committee on Appropriations.

February 27, 2003

HB 1710 Prime Sponsor, Representative Upthegrove: Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1712 Prime Sponsor, Representative O'Brien: Revising provisions relating to registration of sex offenders and kidnapping offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1718 Prime Sponsor, Representative Carrell: Revising provisions relating to treatment of minors. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1722 Prime Sponsor, Representative Gombosky: Limiting the taxability of certain internet transactions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1723 Prime Sponsor, Representative Carrell: Exempting qualified historic property from the state property tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1727 Prime Sponsor, Representative O'Brien: Providing that no fee may be charged for death certificates of sex offenders supplied to law enforcement agencies. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Moeller.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1737 Prime Sponsor, Representative McIntire: Repealing outdated and unused tax preferences. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1746 Prime Sponsor, Representative Alexander: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1751 Prime Sponsor, Representative Fromhold: Providing tax incentives to support the state's semiconductor cluster. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; McCoy; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; Condotta and Kristiansen.

Referred to Committee on Finance.

February 27, 2003

HB 1753 Prime Sponsor, Representative Cody: Concerning nursing practices in community-based and in-home care. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1759 Prime Sponsor, Representative Schual-Berke: Providing financial institution law parity. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1764 Prime Sponsor, Representative Lantz: Providing limited immunity for pretrial supervision. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1765 Prime Sponsor, Representative O'Brien: Revising provisions for inmate labor. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Appropriations.

February 27, 2003

HB 1785 Prime Sponsor, Representative Cody: Limiting disclosure of client information. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1789 Prime Sponsor, Representative Blake: Concerning capital budget project savings. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander,



Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1796 Prime Sponsor, Representative Murray: Funding driver's education for low-income students. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Anderson; Bailey; Campbell; Clibborn; Cooper; Dickerson; Hatfield; Lovick; Morris; Romero; Shabro; Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Kristiansen; Mielke; Nixon and Schindler.

Referred to Committee on Appropriations.

March 3, 2003

HB 1801 Prime Sponsor, Representative Moeller: Authorizing an alternative method of annexation by cities and towns based on utility service. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1811 Prime Sponsor, Representative Hunter: Requiring a study of the state's education finance system. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 28, 2003

HB 1813 Prime Sponsor, Representative Miloscia: Expanding employment opportunities for people with disabilities. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 28, 2003

HB 1815 Prime Sponsor, Representative Schual-Berke: Defining security account under the uniform transfer on death security registration act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1816 Prime Sponsor, Representative Lantz: Allowing attorney issued garnishments and simplifying garnishment answer forms. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1820 Prime Sponsor, Representative Pettigrew: Changing provisions concerning youth shelter notification to parents about runaway youth. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1824 Prime Sponsor, Representative Pettigrew: Requiring development of criteria for research-based treatment programs for juveniles. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.  
Passed to Committee on Rules for second reading.

February 28, 2003

HB 1826 Prime Sponsor, Representative Veloria: Including trafficking in persons in the criminal profiteering law. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1837 Prime Sponsor, Representative Linville: Authorizing the establishment of emergency medical and health clinic services under Title 52 RCW. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1846 Prime Sponsor, Representative Schual-Berke: Penalizing the fraudulent use of credit card scanning devices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1847 Prime Sponsor, Representative Hunter: Allowing merchants to require additional identification when conducting credit and debit card sales. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1848 Prime Sponsor, Representative Conway: Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1855 Prime Sponsor, Representative Dickerson: Clarifying licensed independent clinical social worker education and experience requirements. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1860 Prime Sponsor, Representative O'Brien: Revising procedures for hearings concerning violations by sex offenders of postrelease conditions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1863 Prime Sponsor, Representative Gombosky: Implementing the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern; Morris and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1866 Prime Sponsor, Representative Cody: Improving nutrition in public schools. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell and Skinner.

Referred to Committee on Appropriations.

February 28, 2003

HB 1867 Prime Sponsor, Representative Lantz: Establishing replevin procedures. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.  
Passed to Committee on Rules for second reading.

February 28, 2003

HB 1872 Prime Sponsor, Representative Blake: Providing for linked deposit loans for assistive technology. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

Referred to Committee on Appropriations.

February 27, 2003

HB 1878 Prime Sponsor, Representative Dickerson: Providing the courts access to information in third-party custody petitions. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1880 Prime Sponsor, Representative Gombosky: Authorizing a county sales and use tax to fund economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; McCoy; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen.

Referred to Committee on Finance.

March 3, 2003

HB 1882 Prime Sponsor, Representative Grant: Modifying local improvement district provisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn; Ericksen and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern and Mielke.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1890 Prime Sponsor, Representative Chandler: Increasing the apple commission from thirteen to fifteen members. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 1913 Prime Sponsor, Representative Darneille: Granting authority to the department of community, trade, and economic development to address concerns with lead-based paint activities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Referred to Committee on Appropriations.

February 28, 2003

HB 1931 Prime Sponsor, Representative Lantz: Regarding the training of law enforcement officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1935 Prime Sponsor, Representative Haigh: Changing prerequisites for county auditors calling special elections. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1936 Prime Sponsor, Representative Carrell: Enacting the tribal law enforcement officers act of 2003. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1941 Prime Sponsor, Representative O'Brien: Providing for financial restitution to sexual assault programs from inmate funds and wages. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Referred to Committee on Appropriations.

February 28, 2003

HB 1954 Prime Sponsor, Representative Moeller: Permitting a retired judge acting as a judge pro tempore to decline compensation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1970 Prime Sponsor, Representative Schual-Berke: Regarding world languages. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 28, 2003

HB 1977 Prime Sponsor, Representative Grant: Clarifying use tax provisions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1993 Prime Sponsor, Representative Cooper: Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 1999 Prime Sponsor, Representative Grant: Concerning nonuse of water for water conservation measures. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 2000 Prime Sponsor, Representative Pettigrew: Changing provisions pertaining to third-party custody proceedings involving the Indian Child Welfare Act. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2015 Prime Sponsor, Representative Kessler: Providing for greater access to health insurance for small employers and their employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Moeller and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Morrell, Vice Chairman; Darneille and Schual-Berke.

Referred to Committee on Appropriations.

March 4, 2003

HB 2018 Prime Sponsor, Representative Cody: Concerning eligibility requirements for the Washington state health insurance pool. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2019 Prime Sponsor, Representative Cody: Revising provisions for nonsubsidized basic health plan coverage. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

February 28, 2003

HB 2032 Prime Sponsor, Representative Linville: Adopting a schedule for establishing instream flows by rule. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 27, 2003

HB 2034 Prime Sponsor, Representative Cooper: Streamlining the hydraulic project approval permit application process. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Referred to Committee on Appropriations. March 3, 2003

HB 2043 Prime Sponsor, Representative Kirby: Changing provisions relating to dangerous dogs. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 28, 2003

HJM 4004 Prime Sponsor, Representative Nixon: Requesting Congress to restore the federal income tax deduction for state and local sales taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 3, 2003

HJM 4012 Prime Sponsor, Representative Miloscia: Encouraging counties and local governments to establish a Children's Advocacy Center. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports sheet and supplemental committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1240 and HOUSE BILL NO. 1241 which were placed on the Second Reading calendar.

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



There being no objection, the House adjourned until 10:00 a.m., March 5, 2003, the 52<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY FIRST DAY, MARCH 4, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTY SECOND DAY**

---

House Chamber, Olympia, Wednesday, March 5, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zach McBride and Torie O'Neill. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4633, By Representatives Pflug, Lantz, Anderson, McMahan and Cairnes

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States and will be representing all of Washington in national championship competitions; and

WHEREAS, The students of Gig Harbor High School in Gig Harbor, Washington, have also demonstrated an impressive grasp of the Constitution of the United States; and

WHEREAS, This knowledge will enhance the lives of these students and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps even a future President; and

WHEREAS, The dedicated and talented Teachers of the "We The People" program, Stephanie Davis of Tahoma High School, and Ken Brown of Gig Harbor High School, can take great pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the ninth consecutive year, Tahoma High School has won the first place title at the state championship, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C.; and

WHEREAS, For the second consecutive year, Gig Harbor High School finished in second place at the state championship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the participants in this program from Tahoma High School's first place team: Brent Ludeman, Evie Edwards, Kasey Schmidt, Ed Pivarsky, Lindsay Stephens, Jana Kelly, Corey Pilgrim, Dasha Green, Rachel Boutros, Lindsay Michelson, Joe Belsha, Jennifer Walker, Kwak Jebuni-Frimpong, Kristina Olarte, Delana Combs, Tatiana Milne, Maricelle Cardenas, Derek Day, Eric Sizer, Tyler Solheim, Jon Brumbach, Joseph Kennedy, and Sarah Buban; and

BE IT FURTHER RESOLVED, That the House of Representatives also honor the participants in this program from Gig Harbor High School's second place team: Christy Bothwell, Jeremy Bryant, Darryl Colman, Kevin Cummings, Emily Dale, Joseph Duncan, Aaron Floyd, Brooke Gershman, Julie Gillman, Stephanie Gillman, Annie Gutierrez, Lisa Harvey, Alison Hjelseth, Pat Hodder, Matt Larson, Jason Lindquist, Blythe McLoughlin, Aimee Miles, Chelsea Moore, Kacie Mulhern, Rachel Neff, Karin Pearson, Mike Perez, Rachel Phillips, Christina Ratkus, John Sweeney, Daniel Tipton, and David Tobias. All are students making their families and communities proud; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of the We The People Team, their teachers Stephanie Davis and Ken Brown, and the principals of Tahoma High School and Gig Harbor High School to further show the respect of this body for a job well done.

HOUSE RESOLUTION NO. 4633 was adopted.

### **POINT OF PERSONAL PRIVILEGE**

Representative McMahan: "It has come to my attention that comments that I made Monday afternoon have caused misunderstanding and offenses. I had acted Monday morning out of personal preference and spoke without consulting anyone else. Nothing I said in any way reflects the feelings or opinions of any other lawmaker as far as I know.

I want to make it clear that it was not my intention to offend anyone by my actions or words. Specifically, I want to state that it was not my intention to slight or show any ill-will toward Imam Mohamad Joban or any other American member of the Islamic faith, whose members I'm sure enjoy the freedom and opportunity of this country as much as I do.

As I pointed out in the statement that I released to the media yesterday, this nation was founded on the principle of the individual's right to religious freedom. I have great respect for those who hold religious beliefs, whether they resemble or are vastly different from my own.

In fact, I would die for the right of any American to believe as he or she chooses. It is my personal belief that God gave this individual right and extends it to everyone. It has never been my intention to show disrespect for anyone else because of their deeply held religious beliefs and thereby cause an offense. In fact, I have made it a lifelong goal to live as much as possible without causing offense to others.

I apologize for offenses given and would like to ask forgiveness of any whom I have offended. It was never my intention for such offenses to occur in the first place.

I understand that Imam Joban has extended an invitation to me to visit the local Islamic center where he presides. If in fact this is true, I intend to accept his gracious invitation. At that time I will personally deliver to him my apology for any offense he may have experienced.

Thank you, Mr. Speaker."

### **INTRODUCTIONS & FIRST READING**

HB 2204 by Representatives Hatfield, Kessler, Buck and Grant

AN ACT Relating to review of permit decisions by state agencies and local governments for economic development projects; amending RCW 43.21B.110, 77.55.170, and 90.58.180; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

HB 2205 by Representatives Cooper, Upthegrove and Berkey

AN ACT Relating to protecting the rights of recreational anglers in the marine waters of Washington; adding a new section to chapter 77.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2206 by Representative Wood

AN ACT Relating to driving abstracts of prospective volunteers; and reenacting and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2207 by Representative Hatfield

AN ACT Relating to the collection and use of water quality data; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2208 by Representative Conway

AN ACT Relating to electrical licensing and certification requirements applicable to contractors and persons working in the equipment repair specialty; and creating a new section.

Referred to Committee on Rules.

HB 2209 by Representatives Murray and Simpson

AN ACT Relating to the authority of regional transportation improvement districts; amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.070, 36.120.090, 36.120.110, 36.120.130, and 47.56.076; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

HB 2210 by Representative McIntire

AN ACT Relating to local government business and occupation tax on intellectual property by high technology businesses.

Referred to Committee on Finance.

HJM 4022 by Representatives O'Brien, Haigh, Simpson, Hudgins and Romero

Petitioning the President to reaffirm our nation's commitments to the Constitution.

Referred to Committee on State Government.

HJM 4023 by Representatives DeBolt and McMahan

Requesting that Newdow v. U.S. Congress be appealed to the Supreme Court.

Referred to Committee on Judiciary.

HCR 4405 by Representative Linville

Creating the joint select committee on the Legacy Trust proposal.

Referred to Committee on Agriculture & Natural Resources.

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

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

## **SECOND READING**

**HOUSE BILL NO. 1229, By Representatives Quall, Cox, Haigh, Tom, McDermott, Talcott, Hunter, Ruderman and Rockefeller**

**Authorizing teachers' cottages in second class school districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Cox spoke in favor of passage of the bill.

## **MOTION**

On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1229.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1229 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Benson, Crouse, Dunshee, Schindler, Schual-Berke and Sommers - 6.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1229, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1233, By Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh**

**Improving services for kinship caregivers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1233 was substituted for House Bill No. 1233 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1233 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Boldt and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1233.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1233 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1233, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1236, By Representatives Kagi, Boldt, Pettigrew, Darneille, Moeller, Clibborn, Roach, Armstrong, Jarrett, Lantz, Kenney, Benson, Shabro, Anderson and Mielke**

**Providing public access to child dependency hearings.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1236 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1236.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1236 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1248, By Representatives Linville, Schoesler, Rockefeller, Sump and Orcutt; by request of Commissioner of Public Lands**

#### **Concerning the relocation of harbor lines.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1248.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1248 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1248, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1291, By Representatives Blake, Schindler, Hatfield, Romero and Mielke**

**Providing for elections for flood control zone district supervisors.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1291 was substituted for House Bill No. 1291 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1291 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1291.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1291 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4205, By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase**

**Changing the membership of the commission on judicial conduct.**

The joint resolution was read the second time.

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

Representatives Lantz and Carrell spoke in favor of adoption of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final adoption of House Joint Resolution No. 4205.

**ROLL CALL**

The Clerk called the roll on the final adoption of House Joint Resolution No. 4205 and the resolution was passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE JOINT RESOLUTION NO. 4205, having received the necessary constitutional two-thirds majority, was declared adopted.

**HOUSE BILL NO. 1333, By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase**

**Changing the membership of the commission on judicial conduct.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1333.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1333 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1333, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1353, By Representative Murray**

**Modifying the route description of state route 513.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1353.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1353 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1353, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1363, By Representatives McDermott, Anderson, Quall, Haigh, Talcott, McMahan, Jarrett, Schual-Berke, Kenney, Woods, Kagi, Hudgins, Simpson and Bush**

**Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.**

The bill was read the second time.

Representative Tom moved the adoption of amendment (046):

On page 1, line 9 after "employees" insert "residing in the state of Washington"

On page 3, line 9, after "employees who" insert "reside in the state of Washington and"

Representatives Tom and McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hunter moved the adoption of amendment (051):

On page 1, line 13, after "(2)" insert "In the case of a school that uses a lottery for admission, the children of full-time certificated and classified school employees shall be considered as residents of the school district for purposes of admission by lottery and shall be permitted to participate in the lottery on the same basis as all residents of the school district.

(3)"

On page 2, at the beginning of line 2, strike "(2)" and insert "(3)"

On page 2, at the beginning of line 4, strike "(3)" and insert "(4)"

On page 2, line 4, after "in" strike "subsection (1)" and insert "subsections (1) and (2)"

On page 2, line 20, after "~~((4))~~" strike "(3)" and insert "(4)"

On page 2, line 22, after "~~((4))~~" strike "(2)(a) and (3)" and insert "(3)(a) and (4)"

On page 2, line 27, after "~~((2))~~" strike "(4)" and insert "(5)"

On page 2, after line 31, insert the following:

"(6) For the purposes of this section, "full-time employees" means employees who are employed for the full number of hours and days for their job descriptions."

On page 3, line 8, after "(3)" insert "In the case of a school that uses a lottery for admission, the children of full-time certificated and classified school employees shall be considered as residents of the school zone for purposes of admission by lottery and shall be permitted to participate in the lottery on the same basis as all residents of the school zone.

(4)"

Representative Hunter spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1363.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1363 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Hatfield and Sommers - 2.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1363, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1379, By Representatives Ericksen, Bush and Anderson**

#### **Authorizing agreements for traffic control.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1379.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1379 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Dunshee, Hatfield, Hudgins, Hunt and Schual-Berke - 5.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1395, By Representatives Sullivan, Bailey, Wood, Chandler and Pflug**

**Concerning the catering of alcoholic beverages at special events by nonprofit organizations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 37<sup>th</sup> Day, February 18, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1395.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1395 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1395, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1218, By Representatives Lovick, Mielke, O'Brien, Ahern, Kagi, Wallace, Darnelle, Miloscia, Pearson, Delvin, Romero, Moeller, Dickerson, Rockefeller, Haigh, Kirby, Pettigrew, Chase, Veloria, Quall, McDermott, Dunshee, McCoy and Hunt**

**Creating a building mapping information system.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1218 was substituted for House Bill No. 1218 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1218 was read the second time.

Representative Lovick moved the adoption of amendment (050):

On page 3, beginning on line 8, strike all of section 3 and insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs in consultation with the Washington state emergency management office, the information services board, the Washington state fire chiefs' association, and the Washington state patrol shall convene a committee to establish guidelines related to the statewide first responder building mapping information system. The committee shall have the following responsibilities:

(a) Develop the type of information to be included in the statewide first responder building mapping information system. The information shall include, but is not limited to: Floor plans, fire protection information, evacuation plans, utility information, known hazards, and text and digital images showing emergency personnel contact information;

(b) Develop building mapping software standards that must be utilized by all entities participating in the statewide first responder building mapping information system;

(c) Determine the order in which buildings shall be mapped when funding is received;

(d) Develop guidelines on how the information shall be made available to first responders. These guidelines shall include detailed procedures and security systems to ensure that the information is only made available to first responders;

(e) Recommend training guidelines regarding using the statewide first responder building mapping information system to the criminal justice training commission and the Washington state patrol fire protection bureau.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of state agencies and local governments to control and maintain access to information within their independent systems."

Representative Lovick spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1218.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1416, By Representatives Mielke, O'Brien, Boldt, McMahan, Schindler and Woods**

#### **Adjusting the time of restoration of a juvenile's driving privilege.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1416 was substituted for House Bill No. 1416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1416 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Pettigrew spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1416.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1416 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Dunshee, Hunt, Morris and Sump - 4.  
Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1433, By Representatives Cooper, Pearson, Lovick and Kristiansen**

**Designating highways of statewide significance.**

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (047):

On page 1, line 15, after "Corner" insert ";  
(3) That portion of state route number 704 that runs or will run from a junction with state route number 5 in the west, thence easterly across Fort Lewis to a junction with state route number 7"

Representatives Ericksen, Cooper and Campbell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper, Pearson and Bush spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1433.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1433 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Kessler to preside.

There being no objection, the House reverted to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 4, 2003

HB 1007 Prime Sponsor, Representatives Morris: Establishing a permitting bill of rights. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives McDermott and Tom.

Referred to Committee on Appropriations.

March 5, 2003

HB 1039 Prime Sponsor, Representatives Simpson: Revising rules for vesting of short subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Uptegrove, Vice Chairman; Schindler, Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Assistant Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1068 Prime Sponsor, Representatives Campbell: Requiring a vote on any local ordinance providing for fluoridation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Uptegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern and Ericksen.

MINORITY recommendation: Do not pass. Signed by Representatives Berkey; Clibborn; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1085 Prime Sponsor, Representatives Schual-Berke: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1113 Prime Sponsor, Representatives Hinkle: Regarding irrigation district boards of joint control. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1126 Prime Sponsor, Representatives Schoesler: Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1173 Prime Sponsor, Representatives Veloria: Revising provisions for the office of the Washington state trade representative. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1184 Prime Sponsor, Representatives Armstrong: Revising the definition of "manager" under the state civil service law. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

March 5, 2003

HB 1212 Prime Sponsor, Representatives Haigh: Providing for a simple majority of voters voting to authorize school district bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Priest, Assistant Ranking Minority Member; Armstrong; Blake; Chase; Flannigan; Hankins; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Benson; Bush; Mastin; Newhouse; Orcutt; Schoesler and Woods.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1223 Prime Sponsor, Representatives Dickerson: Placing jurisdiction over deceased minors with the county coroner. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Pflug; Ruderman and Schual-Berke.



MINORITY recommendation: Without recommendation. Signed by Representatives Alexander; DeBolt; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1251 Prime Sponsor, Representatives Eickmeyer: Protecting forest land from exotic forest insects or diseases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1260 Prime Sponsor, Representatives Buck: Concerning environmental impact statements on certain state trust lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; Hunt and McDermott.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1282 Prime Sponsor, Representatives Haigh: Creating the office of citizen councilor. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon.

Referred to Committee on Appropriations.

March 5, 2003

HB 1285 Prime Sponsor, Representatives Campbell: Providing for reemployment in temporary positions following service in the uniformed services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 20, strike all of section 2 and insert the following:

"Sec. 2. RCW 73.16.033 and 2001 c 133 s 5 are each amended to read as follows:

(1) Any person who is a resident of this state or is employed within this state, and who voluntarily or upon order from competent authority, vacates a position of employment for service in the uniformed services, shall, provided he or she meets the requirements of RCW 73.16.035, be reemployed forthwith(~~(=PROVIDED, That the)~~).

(2) An employer ((need)) is not required to reemploy ((such)) a person under this chapter if:

(a) Circumstances have so changed such that reemployment would be impossible or unreasonable due to a change in the employer's circumstances (~~(-or-)~~);

(b) Reemployment would impose an undue hardship on the employer (~~(- PROVIDED FURTHER, That this section shall not apply to a temporary position)~~); or

(c) The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

(3) If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status and pay. If he or she is not so qualified as a result of disability sustained during his or her service in the uniformed services, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he or she shall be reemployed in such other position: PROVIDED, That such position shall provide him or her with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case."

On page 4, beginning on line 5, strike all of section 3 and insert the following:

**Sec. 3.** RCW 73.16.035 and 2001 c 133 s 6 are each amended to read as follows:

(1) In order to be eligible for the benefits of this chapter, an applicant must comply with the following requirements:

(a) The applicant must notify his or her employer as to his or her membership in the uniformed services within a reasonable time of accepting employment or becoming a member of the uniformed services. An employer may not take any action prohibited in RCW 73.16.032 against a person because the person provided notice of membership in the uniformed services to the employer.

(b) The applicant must furnish a receipt of an honorable, or under honorable conditions discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his or her service. Rejectees must furnish proof of orders for examination and rejection.

(c) The applicant must make written application to the employer or his or her representative as follows:

(i) In the case of an applicant whose period of service in the uniformed services was less than thirty-one days, by reporting to the employer:

(A) Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the applicant from the place of that service to the applicant's residence; or

(B) As soon as possible after the expiration of the eight-hour period in (c)(i)(A) of this subsection, if reporting within that period is impossible or unreasonable through no fault of the applicant;

(ii) In the case of an applicant who is absent from a position of employment for a period of any length for the purposes of an examination to determine the applicant's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in (c)(i) of this subsection;

(iii) In the case of an applicant whose period of service in the uniformed services was for more than thirty days but less than one hundred eighty-one days, by submitting an application for reemployment with the employer not later than fourteen days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the applicant, the next first full calendar day when submission of such application becomes possible;

(iv) In the case of an applicant whose period of service in the uniformed services was for more than one hundred eighty days, by submitting an application for reemployment with the employer not later than ninety days after the completion of the period of service;

(v) In the case of an applicant who is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during the performance of service in the uniformed services, at the end of the period that is necessary for the applicant to recover from such illness or injury, the applicant shall submit an application for reemployment with such employer. The period of recovery may not exceed two years. This two-year period shall be extended by the minimum time required to accommodate the circumstances beyond the applicant's control that make reporting within the two-year period impossible or unreasonable;

(vi) In the case of an applicant who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection (1)(c), the applicant does not automatically forfeit his or her entitlement to the rights and benefits conferred by this chapter, but is subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(d) An applicant who submits an application for reemployment shall provide to the applicant's employer, upon the request of that employer, documentation to establish that:

(i) The application is timely;

(ii) The applicant has not exceeded the service limitations set forth in this section, except as permitted under (c)(v) of this subsection; and

(iii) The applicant's entitlement to the benefits under this chapter has not been terminated pursuant to (e) of this subsection.

(e) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving four years or less in the uniformed services other than state-ordered active duty: PROVIDED, That any period of additional service imposed by law, from which one is unable to obtain orders relieving him or her from active duty, will not affect reemployment rights.

(f) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving twelve weeks or less in a calendar year in state-ordered active duty: PROVIDED, That the governor, when declaring an emergency that necessitates a longer period of service, may extend the period of service in state-ordered active duty to up to twelve months after which the applicant is eligible for the benefits of this chapter.

(2) The failure of an applicant to provide documentation that satisfies rules adopted pursuant to subsection (1)(c) of this section shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that the applicant does not meet one or more of the requirements referred to in subsection (1)(d) of this section, that applicant's employer may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

(3) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

(4) The application in subsection (1) of this section is not required if the giving of such application is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made by the adjutant general of the state of Washington military department and is not subject to judicial review.

(5) In any proceeding involving an issue of whether (a) reemployment is impossible or unreasonable because of a change in an employer's circumstances, (b) reemployment would impose an undue hardship on the employer, or (c) the employment is for a ~~((temporary position))~~ brief, nonrecurrent period, and there is no reasonable expectation that the employment will continue indefinitely or for a significant period, the employer has the burden of proving the impossibility or unreasonableness, undue hardship, or the brief ~~((or))~~ nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1316 Prime Sponsor, Representatives Morris: Modifying utility tax provisions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Blake; Bush; Hudgins; Kirby; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; DeBolt; Delvin and McMahan.

Referred to Committee on Finance.

March 5, 2003

HB 1317 Prime Sponsor, Representatives Linville: Clarifying and consolidating procedures for trust water rights and authorizing creation of water banks. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1345 Prime Sponsor, Representatives Cooper: Creating regional fire protection service authorities.  
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Finance.

March 5, 2003

HB 1411 Prime Sponsor, Representatives Fromhold: Using revenues under the county conservation futures levy. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Ericksen.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Mielke and Moeller.

Referred to Committee on Finance.

March 4, 2003

HB 1418 Prime Sponsor, Representatives Quall: Exempting drainage infrastructure from certain environmental requirements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Referred to Committee on Appropriations.

March 4, 2003

HB 1430 Prime Sponsor, Representatives Miloscia: Requiring state agencies to prepare housing impact statements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1437 Prime Sponsor, Representatives Kenney: Changing tuition provisions for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Priest, Assistant Ranking Minority Member; Berkey; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Cox, Ranking Minority Member; Boldt; Buck; Chase; Clements and Condotta.

Referred to Committee on Appropriations.

March 4, 2003

HB 1511 Prime Sponsor, Representatives Haigh: Including public hospital districts in alternative public works contracting procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1514 Prime Sponsor, Representatives Darneille: Suspending accrual of interest for financial obligations during total confinement. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

March 4, 2003

HB 1517 Prime Sponsor, Representatives Cooper: Establishing objectives for certain fire department services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1519 Prime Sponsor, Representatives Wood: Calculating the death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1524 Prime Sponsor, Representatives Schindler: Restricting utility assessments and charges for certain mobile home parks. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen and Mielke.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman; Moeller.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1544 Prime Sponsor, Representatives Hudgins: Concerning energy efficiency and renewable energy standards. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Blake; Hudgins; Kirby; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Bush; Delvin; McMahan and Tom.

Referred to Committee on Appropriations.

March 5, 2003

HB 1547 Prime Sponsor, Representatives Conway: Limiting lien authority against a residential homeowner. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 7, after line 8, insert the following:

"NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial property" means the same as in RCW 60.04.031.

(2) "Professional services, materials, or equipment supplied" means the same as in RCW 60.04.031.

(3) "Residential homeowner" means the same as in RCW 60.04.031.

(4) "Substantial completion" means the earliest of the following dates: (a) The date upon which the work of improvement has been completed as specified under the contract; (b) the date upon which the improvement becomes usable or fit for the purposes for which it was intended; (c) the date of issuance of a certificate of occupancy; or (d) the date of occupation or use of the improvement by the owner or an agent of the owner.

(5) "Work of improvement means work performed or provided, including professional services, materials or equipment provided, related to the new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner. Work of improvement includes incremental improvements which are in themselves complete but do not necessarily bring a property improvement to a state of substantial completion.

NEW SECTION. Sec. 3. (1) Any moneys released to or obtained by an owner, developer, prime contractor, subcontractor, or person in charge of a construction project related to a work of improvement, shall be regarded and held in trust for the benefit of those persons making the payment and those who provided the professional services, materials or equipment in connection with the work of improvement giving rise to the receipt of moneys.

(2) Nothing contained in this section shall be construed as requiring moneys held in trust by an owner, contractor, or subcontractor under subsection (1) of this section to be placed in a separate account. If an owner, contractor, or subcontractor commingles moneys held in trust under this section with other moneys, the mere commingling of the moneys does not constitute a violation of this chapter.

(3)(a) The use of trust moneys for any other purpose than to first pay when due those persons for whom the funds are held in trust shall be prima facie evidence of a trust violation and an intent to defraud in a civil action.

(b) The mishandling of work of improvement trust moneys is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. The failure to use the money as intended is not reasonable in relation to the development and preservation or business. A violation of this section constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 4. (1) It is against public policy for any party to require any other party to waive any provision of this chapter.

(2) This chapter is to be liberally construed to provide security for all parties intended to be protected by its provisions.

NEW SECTION. Sec. 5. This chapter is applicable only to contracts entered into on or after September 1, 2003, relating to the new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner.

NEW SECTION. Sec. 6. Sections 2 through 5 of this act shall constitute a new chapter in title 60 RCW."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1548 Prime Sponsor, Representatives McCoy: Authorizing penalties for wage payment violations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 35, after "in the" strike "supplemental pension fund established under RCW 51.44.033" and insert "employment standards enforcement account established under section 17 of this act"

On page 3, beginning on line 16, after "in the" strike "supplemental pension fund established under RCW 51.44.033" and insert "employment standards enforcement account established under section 17 of this act"

On page 12, after line 29, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 49.46 RCW to read as follows:  
The employment standards enforcement account is created in the state treasury. All receipts from civil penalties assessed under this chapter and chapter 49.48 RCW must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the employment standards program administered by the department of labor and industries."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1567 Prime Sponsor, Representatives Alexander: Allowing counties with a population greater than two hundred thousand to use alternate public works contracting. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1574 Prime Sponsor, Representatives Conway: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1582 Prime Sponsor, Representatives Schual-Berke: Forming market assistance plans and joint underwriting associations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Cooper; Hatfield; Hunter and Santos.

Referred to Committee on Appropriations.

March 4, 2003

HB 1608 Prime Sponsor, Representatives Upthegrove: Concerning the accommodation of housing and employment growth under local comprehensive plans. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1611 Prime Sponsor, Representatives Conway: Requiring payment of industrial insurance benefits during reconsideration or appeal. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 4, line 24, after "benefits" insert "granted to the worker by the order under appeal"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1622 Prime Sponsor, Representatives Morrell: Clarifying the definition of "research." Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.



Passed to Committee on Rules for second reading.

March 4, 2003

HB 1634 Prime Sponsor, Representatives Conway: Changing the residential property seller disclosure statement. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1640 Prime Sponsor, Representatives Linville: Authorizing water banking within the trust water program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Sump.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1689 Prime Sponsor, Representatives Linville: Implementing the federal permit requirements for municipal separate storm sewer system permits. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Kristiansen.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1703 Prime Sponsor, Representatives Anderson: Providing tax incentives to promote the production and distribution of electricity from alternative sources of energy. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Finance.

March 5, 2003

HB 1706 Prime Sponsor, Representatives Mastin: Changing the focus of the promise scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Berkey.

Referred to Committee on Appropriations.

March 4, 2003

HB 1707 Prime Sponsor, Representatives Jarrett: Revising environmental review provisions to improve the development approval process and enhance economic development. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1741 Prime Sponsor, Representatives Romero: Prohibiting discrimination against consumers' choices in housing. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Mielke and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1754 Prime Sponsor, Representatives Eickmeyer: Concerning the slaughter, preparation, and sale of certain poultry. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman;

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1755 Prime Sponsor, Representatives Kirby: Creating alternative means for annexation of unincorporated island of territory. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1769 Prime Sponsor, Representatives Romero: Establishing a schedule of time limits under which local governments must develop or amend shoreline master plans. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Appropriations.

March 5, 2003

HB 1787 Prime Sponsor, Representatives Pettigrew: Establishing a 211 network. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1788 Prime Sponsor, Representatives Miloscia: Regulating job order contracting for public works. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Shabro, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1803 Prime Sponsor, Representatives Linville: Creating the legacy trust for recreation and conservation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen and Orcutt.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1808 Prime Sponsor, Representatives Kenney: Requiring standards of review before changing lines of instruction at research universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Buck; Clements; Condotta; Gombosky; Jarrett; McCoy and Morrell.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt; Chase and Lantz.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1809 Prime Sponsor, Representatives Murray: Expanding the jurisdiction of the human rights commission. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1812 Prime Sponsor, Representatives Hunter: Regarding school districts' levy bases. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

March 4, 2003

HB 1827 Prime Sponsor, Representatives Moeller: Requiring information on meningitis immunization for college students. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Bailey, Assistant Ranking Minority Member; Alexander.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1828 Prime Sponsor, Representatives Schual-Berke: Requiring that insurance coverage for mental health services be at parity with medical and surgical services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Cairnes; Cooper; Hatfield; Hunter and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Carrell and Roach.

Referred to Committee on Appropriations.

March 4, 2003

HB 1829 Prime Sponsor, Representatives Bailey: Regulating postretirement employment in the public employees' retirement system and the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1830 Prime Sponsor, Representatives Conway: Requiring large employers to reimburse the state for basic health plan and medical assistance coverage of its employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1840 Prime Sponsor, Representatives Clibborn: Authorizing nonprofit corporations to participate in self-insurance risk pools. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1841 Prime Sponsor, Representatives Kagi: Creating programs to promote prevention of child abuse and neglect. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

March 5, 2003

HB 1843 Prime Sponsor, Representatives Benson: Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1844 Prime Sponsor, Representatives Schual-Berke: Criminalizing possession of instruments or equipment of financial fraud. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1845 Prime Sponsor, Representatives Newhouse: Exempting bank account, social security, and credit card numbers from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1849 Prime Sponsor, Representatives Bailey: Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

March 4, 2003

HB 1852 Prime Sponsor, Representatives Schual-Berke: Facilitating collaboration among health care work force stakeholders to address the health care personnel shortage. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 1854 Prime Sponsor, Representatives Crouse: Allowing operating agency members to purchase energy from the agency. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1868 Prime Sponsor, Representatives McDermott: Prohibiting smoking in public places. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1876 Prime Sponsor, Representatives Linville: Protecting water quality. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; McDermott.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1881 Prime Sponsor, Representatives O'Brien: Removing certain assaults and robberies from the list of most serious offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1888 Prime Sponsor, Representatives Linville: Changing the public notification requirements with respect to wastewater discharge permits. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen and Orcutt.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1891 Prime Sponsor, Representatives Miloscia: Modifying contracting provisions for school district capital demonstration projects. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1896 Prime Sponsor, Representatives Quall: Adding powers and duties for the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McMahan.

Referred to Committee on Appropriations.

March 4, 2003

HB 1897 Prime Sponsor, Representatives Kenney: Establishing a trainee real estate appraiser classification. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Appropriations.

March 5, 2003

HB 1900 Prime Sponsor, Representatives Santos: Expanding the uses of the local government real estate excise tax. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1903 Prime Sponsor, Representatives Romero: Concerning relocation assistance for low-income tenants. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1904 Prime Sponsor, Representatives O'Brien: Revising standards for reporting incidents involving harm to vulnerable adults. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1909 Prime Sponsor, Representatives Jarrett: Creating a pilot project for competency-based transfer in higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Referred to Committee on Appropriations.

March 5, 2003



HB 1933 Prime Sponsor, Representatives Berkey: Modifying shoreline and growth management provisions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Mielke and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman; Ericksen.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1944 Prime Sponsor, Representatives Hudgins: Requiring notice of mass layoffs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1957 Prime Sponsor, Representatives Moeller: Removing concurrency requirements under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Clibborn; Mielke and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman; Ahern; Berkey and Ericksen.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1967 Prime Sponsor, Representatives Haigh: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1971 Prime Sponsor, Representatives Dickerson: Establishing a deaf education task force. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1972 Prime Sponsor, Representatives Hatfield: Making a commercial fish seller's failure to account for commercial harvest a misdemeanor. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Hatfield; O'Brien and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck and Pearson.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1973 Prime Sponsor, Representatives Veloria: Promoting tourism. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

March 4, 2003

HB 1981 Prime Sponsor, Representative Dickerson: Creating a joint task force on child death investigations. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1986 Prime Sponsor, Representatives Gombosky: Prohibiting high school students in the running start program from taking precollege courses at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 1987 Prime Sponsor, Representatives Miloscia: Ensuring the integrity of the state contracting process. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon and Tom.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1989 Prime Sponsor, Representatives McDermott: Changing the learning assistance program.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Referred to Committee on Appropriations.

March 4, 2003

HB 1992 Prime Sponsor, Representatives Schual-Berke: Allowing recall for campaign finance violations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 1996 Prime Sponsor, Representatives Morrell: Clarifying the eligibility for local funds of building operation and maintenance costs of housing projects eligible to receive housing trust funds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2006 Prime Sponsor, Representatives Schindler: Authorizing nuisance abatement powers of county governments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 3, 2003

HB 2007 Prime Sponsor, Representatives Nixon: Prohibiting unsolicited commercial text messages. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2011 Prime Sponsor, Representatives Schual-Berke: Establishing requirements for state agency contracts with pharmaceutical benefit management companies. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson and Skinner.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2012 Prime Sponsor, Representatives Fromhold: Creating a special services pilot program.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Referred to Committee on Appropriations.

March 5, 2003

HB 2014 Prime Sponsor, Representatives Flannigan: Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Cooper; Hatfield; Hunter and Santos.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2016 Prime Sponsor, Representatives Conway: Prohibiting use of public funds to encourage or discourage unionization. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2025 Prime Sponsor, Representatives Haigh: Revising provisions for detaining persons with mental illness. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2027 Prime Sponsor, Representatives Kirby: Regulating the sale of cigarettes. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2039 Prime Sponsor, Representatives Fromhold: Providing affirmative defenses for activities defined under RCW 4.16.300. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2040 Prime Sponsor, Representatives Santos: Establishing liability for taxes on unlawful or delinquent insurers or taxpayers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2041 Prime Sponsor, Representatives Kenney: Clarifying the work study aspect of "work activity" under the TANF program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2045 Prime Sponsor, Representatives Haigh: Establishing a work group to evaluate creating a centralized identification number system. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2046 Prime Sponsor, Representatives Lantz: Providing for law enforcement powers for interfering with a dog guide or service animal. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2048 Prime Sponsor, Representatives Schoesler: Concerning a livestock identification program.  
Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2052 Prime Sponsor, Representatives Conway: Improving stability in industrial insurance rates.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, line 16, after "The" strike "policy" and insert "rules"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2053 Prime Sponsor, Representatives Carrell: Protecting animals against cruelty. Reported by  
Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives McMahan, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2056 Prime Sponsor, Representatives Haigh: Modifying public works bidding provisions. Reported  
by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2063 Prime Sponsor, Representatives Kristiansen: Extending the expiration date for reporting  
requirements on timber purchases. Reported by Committee on Agriculture & Natural  
Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant

Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2064 Prime Sponsor, Representatives Woods: Studying methods of avoiding military base closure. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2067 Prime Sponsor, Representatives Schoesler: Permitting withdrawals of public ground waters. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2073 Prime Sponsor, Representatives Schoesler: Disposing of local government records. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2075 Prime Sponsor, Representatives Romero: Studying recreational boating safety. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2076 Prime Sponsor, Representatives Kenney: Requiring a statewide strategic plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2078 Prime Sponsor, Representatives Simpson: Providing commencement dates for interest on restitution payments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Moeller, Vice Chairman; Flannigan.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2083 Prime Sponsor, Representatives Cody: Establishing emergency service requirements for hospitals. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Benson; Campbell; Clibborn; Darneille and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2086 Prime Sponsor, Representatives O'Brien: Authorizing use of an approved community option as an alternative to total confinement. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2087 Prime Sponsor, Representatives Benson: Modifying the definition of "small employer" or "small group" under chapter 48.43 RCW. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2088 Prime Sponsor, Representatives Schoesler: Revising provisions relating to storm water rates and charges. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2089 Prime Sponsor, Representatives McCoy: Changing veterans' tuition waiver provisions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox,



Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2090 Prime Sponsor, Representatives Clements: Prohibiting interference with search and rescue dogs. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2094 Prime Sponsor, Representatives Holmquist: Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2100 Prime Sponsor, Representatives Romero: Adding an ex officio member to the building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2101 Prime Sponsor, Representatives Kenney: Regarding a P-16 governance structure for education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson and McMahan.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2105 Prime Sponsor, Representatives Kagi: Ensuring that offender populations do not exceed prison capacity. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2106 Prime Sponsor, Representatives Linville: Regarding fundamentals for use and management of waters of the state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2111 Prime Sponsor, Representatives Priest: Authorizing performance contracts between the state and institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2112 Prime Sponsor, Representatives Haigh: Reviewing the use of the general contractor/construction manager procedures authorized in chapter 39.10 RCW. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Capital Budget.

March 5, 2003

HB 2113 Prime Sponsor, Representatives Morrell: Regarding refunds of federal financial aid to students who withdraw from institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2114 Prime Sponsor, Representatives Kagi: Providing for funding of programs for family preservation and intervention services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Bailey and Shabro.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2116 Prime Sponsor, Representatives Grant: Allowing a withdrawal of water for stock-watering purposes without a permit issued under RCW 90.44.050. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2118 Prime Sponsor, Representatives Newhouse: Authorizing approved microbrewers to sell beer at farmers markets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2119 Prime Sponsor, Representatives Linville: Establishing the Washington climate action registry. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Blake; Hudgins; Kirby; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Bush; Delvin; McMahan and Tom.

Referred to Committee on Appropriations.

March 4, 2003

HB 2122 Prime Sponsor, Representatives Schual-Berke: Simplifying administrative procedures for state-purchased health care programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

March 5, 2003

HB 2123 Prime Sponsor, Representatives Kagi: Authorizing collection of support payments for children with developmental disabilities in out-of-home care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Bailey and Shabro.

Referred to Committee on Appropriations.

March 4, 2003

HB 2124 Prime Sponsor, Representatives Quall: Regarding high school graduation requirements.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

Referred to Committee on Appropriations.

March 4, 2003

HB 2126 Prime Sponsor, Representatives Campbell: Revising provisions for long-term care service options. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2129 Prime Sponsor, Representatives Sommers: Requiring agency reports to the legislature to be submitted electronically. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2130 Prime Sponsor, Representatives Morris: Reducing the duplication of electric facilities.  
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Blake; Hudgins; Kirby; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Bush; Delvin; McMahan and Tom.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2132 Prime Sponsor, Representatives Kenney: Securing public building or construction contracts.  
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2140 Prime Sponsor, Representatives Grant: Reaffirming the role of the state conservation commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Referred to Committee on Appropriations.

March 3, 2003

HB 2146 Prime Sponsor, Representatives Tom: Providing tax incentives for wood biomass fuel production, distribution, and sale. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Hudgins; Kirby; McMahan; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin.

Referred to Committee on Finance.

March 5, 2003

HB 2147 Prime Sponsor, Representatives McDermott: Protecting preschool and elementary school students assisting in school kitchens. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox and McMahan.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2150 Prime Sponsor, Representatives Lantz: Modifying the administration of civil legal services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Referred to Committee on Appropriations.

March 5, 2003

HB 2152 Prime Sponsor, Representatives Conway: Regarding unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2158 Prime Sponsor, Representatives Conway: Addressing the industrial insurance system administered by the department of labor and industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, strike "short-term"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2164 Prime Sponsor, Representatives Conway: Creating a manufacturing advisory partnership to provide recommendations for improving the manufacturing sector. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Appropriations.

March 4, 2003

HB 2172 Prime Sponsor, Representatives Sullivan: Promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2179 Prime Sponsor, Representatives Clibborn: Clarifying district court provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2183 Prime Sponsor, Representatives Ericksen: Adjusting the amount allowed for unbid sewer and water projects. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2188 Prime Sponsor, Representatives Wood: Ensuring safe repair, replacement, and maintenance work on elevators. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2195 Prime Sponsor, Representatives McDermott: Regarding state assessment standards. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; McMahan; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Haigh and Hunter.

Referred to Committee on Appropriations.

March 4, 2003

HB 2199 Prime Sponsor, Representatives Morris: Concerning telecommunications. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 4, 2003

HB 2202 Prime Sponsor, Representatives McDonald: Providing for cosmetology apprenticeships. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 5, 2003

HB 2203 Prime Sponsor, Representatives Conway: Concerning electrical work that requires minimal electrical circuit modifications and has limited exposure hazards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2003

HJM 4006 Prime Sponsor, Representatives Miloscia: Proposing a regional presidential primary. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Nixon.

Passed to Committee on Rules for second reading.

March 4, 2003

HJM 4018 Prime Sponsor, Representatives Blake: Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

March 3, 2003

HJM 4021 Prime Sponsor, Representatives Wallace: Requesting that the Bonneville Power Administration not raise rates. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 5, 2003

HJR 4203 Prime Sponsor, Representatives Haigh: Amending the Constitution to provide for a simple majority of voters voting to authorize a school district bond measure. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Priest, Assistant Ranking Minority Member; Armstrong; Blake; Chase; Flannigan; Hankins; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Benson; Bush; Mastin; Newhouse; Orcutt and Schoesler.

Passed to Committee on Rules for second reading.

March 4, 2003

HJR 4211 Prime Sponsor, Representatives Schual-Berke: Amending the Constitution to permit recall for campaign finance violations. Reported by Committee on State Government



MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon.

Passed to Committee on Rules for second reading.

March 4, 2003

HCR 4403 Prime Sponsor, Representatives Schual-Berke: Creating the Health Care Access Options Working Group. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 3, after line 11, insert the following:  
"If specific funding, referencing this concurrent resolution by number, is not provided in the biennial appropriations act by June 30, 2003, this concurrent resolution is null and void."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

March 5, 2003

HCR 4404 Prime Sponsor, Representatives McDermott: Creating a joint select committee to examine the K-12 governance structure. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

There being no objection, the Committee on Trade & Economic Development was relieved of further consideration of HOUSE BILL NO. 1768, and the bill was referred to the Committee on Finance.

There being no objection, the Committee on Commerce & Labor was relieved of further consideration of HOUSE BILL NO. 2208, and the bill was referred to the Committee on Rules.

## RESOLUTION

HOUSE RESOLUTION NO. 2003-4634, By Representatives Dickerson, Kagi, Boldt, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods

WHEREAS, The state of Washington lost a true champion for vulnerable children with the death of Rosalyn "Rosie" Oreskovich on February 28, 2003; and

WHEREAS, Rosie's life was dedicated to the protection of abused and neglected children in our state; and

WHEREAS, Rosie worked diligently throughout her twenty-seven year career to improve child welfare services, starting as a social worker in 1976 with the Department of Social and Health Services; and

WHEREAS, Rosie returned to the Department of Social and Health Services in 1994, ultimately rising through the ranks to become Assistant Secretary of the Children's Administration; and

WHEREAS, The foster care system was transformed under Rosie's leadership, from one mired in troubles and inconsistencies to one that has successfully increased the recruitment and retention of foster care parents, the number of adoptions, the number of relative placements, and the number of reunifications in this state, and one which continues to strive for stability and permanence in children's lives; and

WHEREAS, Under Rosie's leadership, the Department of Social and Health Services embarked upon a campaign called "Kids Come First Action Agenda" to ensure that child protective and welfare services clearly prioritize the needs of abused and neglected children in this state; and

WHEREAS, Rosie's dedication to instilling best practice reforms in the state's child welfare system helped launch a statewide effort to become accredited by the National Council on Accreditation, an effort that was first inspired by the successful accreditation of the Vancouver office under Rosie's stewardship; and

WHEREAS, Rosie inspired respect and admiration among her staff, colleagues, and elected officials and won wide recognition for her contributions to the national dialogue on child well-being in this country;

NOW, THEREFORE, BE IT RESOLVED, The House of Representatives praise the contributions made to our great state by Rosalyn Oreskovich, a remarkable individual whose tireless commitment to children leaves a lasting legacy for all residents in our state, and whose contributions to our state will never be forgotten.

HOUSE RESOLUTION NO. 4634 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., March 6, 2003, the 53<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY SECOND DAY, MARCH 5, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTY THIRD DAY**

---

House Chamber, Olympia, Thursday, March 6, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joe Klein and Kris McBride. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

## RESOLUTION

HOUSE RESOLUTION NO. 2003-4632, by Representatives Kenney, Woods, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace and Wood

WHEREAS, 150 years ago on November 23, 1852, a group of 44 pioneers assembled at a small settlement called Monticello at present-day Longview and petitioned the United States Congress to divide the Oregon Territory and create a new Territory; and

WHEREAS, 150 years ago on March 2, 1853, President Fillmore signed the bill creating the territory of Washington; and

WHEREAS, We honor the thousands upon thousands of settlers who came here with their hopes and dreams - truly the American dream in its pioneer form - who settled this state and created the cities and towns, with the best intentions of self-governance and loyalty to our nation, laying the groundwork for the state we are today; and

WHEREAS, We honor those who inhabited this land thousands of years prior to the first landings of Spanish in 1775. Their strong sense of family, reverence for the wildlife and the environment, pride in who they are, and continued hope for their thriving communities belies the struggle and difficulties the advent of the European explorer brought to them. They are, in their own right, the early pioneers as well who brought to our history a tradition that lives today - not only in their cultural centers and museums but in their daily lives and communities; and

WHEREAS, We honor those who brought the notion of self-governance and populist spirit, who became towering figures in the history of their respective communities and provided each with a notion of government that was based on the best ideals of our nation at the time, fair play, and the rule of law over the rule of man; and

WHEREAS, We honor all those who keep this history alive in small community-based museums and historical societies to large heritage complexes as staff and volunteers. It is in the best sense of community service that people donate so much of their time to keep many of these organizations alive and thriving; and

WHEREAS, We honor the generations of school children throughout Washington who are our future. Our history cannot live in just those adults who show interest, it must be cultivated in our youth through the family and our educational institutions. It is our history and the particular episodes in that history that set us apart from the rest of this nation; just as it is that history which integrates us into the fabric of the United States of America; and

WHEREAS, We honor our communities, even those created after 1889, that make up this great state. Just as governance started with a band of 44 people assembled here 150 years ago, so too our sesquicentennial observance depends on those local communities throughout this state who will take this commemoration as its own and make it a theme for fairs, community celebrations, tribal gatherings, historical writings, and other events too numerous to name; and

WHEREAS, The Governor, through Executive Order 02-02, set up the Sesquicentennial Commission with membership from across the state and headed by Secretary of State Sam Reed and First Lady Mona Locke;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives call on the people of the State of Washington to honor its early settlers and the

indigenous people of the region by celebrating and commemorating our Territorial Sesquicentennial in the grand manner befitting this one hundred fiftieth anniversary of Washington's charter as a part of the United States.

HOUSE RESOLUTION NO. 4632 was adopted.

The Speaker assumed the chair.

### **INTRODUCTION & FIRST READING**

HB 2211 by Representatives Hankins, Lovick, Woods, Simpson, Campbell, Romero, Shabro, Dickerson, Flannigan and Kessler

AN ACT Relating to traffic school for persons committing repeated traffic violations; and adding a new section to chapter 46.64 RCW.

Referred to Committee on Transportation.

HB 2212 by Representative Woods

AN ACT Relating to giving preference in purchasing to Washington state businesses and companies; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government.

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

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

### **SECOND READING**

**HOUSE BILL NO. 1360, By Representatives Ruderman and Anderson**

**Changing membership on the information services board.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1360 was substituted for House Bill No. 1360 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1360 was read the second time.

Representative Ruderman moved the adoption of amendment (062):

On page 2, line 11, after "(4)" strike "Members" and insert "Voting members"

Representatives Ruderman and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Anderson spoke in favor of passage of the bill.

### **MOTIONS**

On motion of Representative Hinkle, Representatives Pflug, Campbell, Crouse and Boldt were excused. On motion of Representative Santos, Representatives Edwards, Flannigan and Kagi were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1360.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1360 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1445, By Representatives Conway, Chandler, Kenney, Fromhold and Clements**

#### **Regulating motor vehicle manufacturer and dealer relationships.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1445 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1445.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1563, By Representatives Lantz, Delvin, Dickerson, Carrell, Upthegrove, Talcott, Kessler, Kagi, McDermott, Lovick, Moeller, Morrell, Murray, Pettigrew, Berkey, Kenney and Santos**

**Providing a procedure for court-ordered contact with a child for nonparents.**

The bill was read the second time.

With the consent of the House, amendment (048) was withdrawn.

Representative Carrell moved the adoption of amendment (049):

On page 13, after line 24, insert the following:

**"NEW SECTION. Sec. 5.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of social and health services.
- (2) "Parenting plan" means a plan for parenting a child, including allocation of residential time, which plan is incorporated in any final decree or decree of modification in any action for dissolution of marriage, declaration of invalidity, or legal separation, and includes custody orders.
- (3) "Secretary" means the secretary of the department.
- (4) "Visitation" refers to the residential time provisions in a parenting plan for noncustodial persons or other court-ordered contact for third parties.

**NEW SECTION. Sec. 6.** A person who is a party to a parenting plan or court order authorizing contact with a child pursuant to Section 2 of this act may initiate a petition with the department alleging residential interference. To commence action under this chapter, the petitioner shall:

- (1) Allege in writing, under oath, that:
  - (a) A court has entered a parenting plan or has ordered contact with the child pursuant to Section 2 of this act; and
  - (b) There is or has been interference with or a denial of visitation rights; and
- (2) Provide the department with supporting documents, including a copy of the parenting plan or court order if the department does not have a copy.

**NEW SECTION. Sec. 7.** (1) The department shall provide notice to the alleged violator of the allegations under section 6 of this act and require the alleged violator to either acknowledge the violation or demand an administrative hearing before an administrative law judge.

- (2) If the violation is acknowledged, an administrative finding of residential interference shall be entered.
- (3) If an administrative hearing is demanded, the office of administrative hearings shall set a hearing date.

**NEW SECTION. Sec. 8.** (1) At the hearing, the petitioner must prove by a preponderance of evidence that a violation of the visitation provisions of the parenting plan or court order occurred.

- (2) An administrative finding shall be entered if the administrative law judge finds that a violation of the parenting plan or court order occurred.
- (3) The administrative law judge may order the noncomplying parent to:
  - (a) Provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child due to the parent's or custodian's noncompliance. If the additional time granted to the moving party has the effect of reducing the time the child is required to spend with others under a parenting plan, then the reduction in time must be proportionately allocated between those other parties under the parenting plan;
  - (b) Pay to the moving party all court costs and reasonable attorneys' fees incurred as a result of the noncompliance and any reasonable expenses incurred in locating, returning, or visiting the child; and
  - (c) Pay to the moving party a civil penalty not less than one hundred dollars.

NEW SECTION. **Sec. 9.** After two findings of violation of the residential provisions of the parenting plan or court order, a petitioner may petition a court to change residential time provisions of a parenting plan as provided for under RCW 26.09.260 or visitation provisions in a court order.

NEW SECTION. **Sec. 10.** An administrative finding under this chapter may be appealed as provided under chapter 34.05 RCW.

NEW SECTION. **Sec. 11.** The secretary shall adopt rules under chapter 34.05 RCW to implement and enforce this chapter.

NEW SECTION. **Sec. 12.** The remedies in this chapter are cumulative and are in addition to any other remedies provided by law.

**Sec. 13.** RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 or two findings of residential interference under chapter 26.-- RCW (sections 5 through 12 of this act) shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

NEW SECTION. **Sec. 14.** Sections 5 through 12 of this act constitute a new chapter in Title 26 RCW."

Correct the title and renumber the remaining section consecutively.

Representatives Carrell and Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Delvin, Dickerson, Carroll, Talcott and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1563.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1563 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

ENGROSSED HOUSE BILL NO. 1563, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1564, By Representatives Alexander, Fromhold, Mielke, Kessler and Buck**

**Clarifying county treasurer fiscal provisions.**



The bill was read the second time. There being no objection, Substitute House Bill No. 1564 was substituted for House Bill No. 1564 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1564 was read the second time.

Representative Alexander moved the adoption of amendment (042):

On page 8, after line 2, insert the following:

"**Sec. 8.** RCW 36.29.190 and 1997 c 393 s 19 are each amended to read as follows:

County treasurers are authorized to accept credit cards, charge cards, debit cards, smart cards, stored value cards, federal wire, and automatic clearinghouse system transactions, or other electronic communication, for any payment of any kind including, but not limited to, taxes, fines, interest, penalties, special assessments, fees, rates, charges, or moneys due counties. A payer desiring to pay by a credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication shall bear the cost of processing the transaction in an amount determined by the treasurer, unless the county legislative authority or the legislative authority of a district where the county treasurer serves as ex officio treasurer finds that it is in the best interests of the county or district to not charge transaction processing costs for all payment transactions made for a specific category of nontax payments (~~(due)~~ received by the county treasurer, including, but not limited to, fines, interest not associated with taxes, penalties not associated with taxes, special assessments, fees, rates, and charges. The treasurer's cost determination shall be based upon costs incurred by the treasurer and may not, in any event, exceed the additional direct costs incurred by the county to accept the specific form of payment utilized by the payer."

Correct the title.

Representatives Alexander and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1564.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1564 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1647, By Representatives Conway, Chandler, Sommers, Lantz and Kenney; by request of University of Washington**

**Regarding the prohibition of the lawful sale of liquor on University of Washington grounds.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1647.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1647 and the bill passed the House by the following vote: Yeas - 87, Nays - 4, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Bush, McMahan, Mielke, and Schoesler - 4.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

HOUSE BILL NO. 1647, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1739, By Representatives Alexander, Sommers, Romero and Hunt; by request of Department of General Administration**

**Funding services within the department of general administration.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1739 was substituted for House Bill No. 1739 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1739 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1739.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1739 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1739, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1782, By Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Voloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards**

**Creating a competitive grant program for nonprofit youth organizations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1782 was substituted for House Bill No. 1782 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1782 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy, Murray, Alexander and Wood spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1782.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1782 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative McCoy on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1031, By Representatives Lovick, O'Brien, Sullivan and Lantz**

**Revising rules for payment of traffic infraction and misdemeanor penalties.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1031 was substituted for House Bill No. 1031 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1031 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1031.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1031 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1052, By Representative Nixon**

**Limiting the liability of certain persons who provide volunteer emergency repairs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1052.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1052 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1056, By Representatives Simpson and Campbell**

**Notifying home buyers of where information regarding registered sex offenders may be obtained.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1056 was substituted for House Bill No. 1056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1056 was read the second time.

Representative Simpson moved the adoption of amendment (061):

On page 8, line 36, beginning with "**II.**" strike everything through "transaction:" on line 39 and insert "~~(II.)~~"

On page 9, line 1, after "OFFENDERS" strike "IN YOUR AREA"

On page 9, line 2, strike "YOUR COUNTY SHERIFF" and insert "LOCAL LAW ENFORCEMENT AGENCIES"

On page 9, line 4, strike "ASSERTION" AND INSERT "INDICATION"

On page 9, line 5, strike "OR LACK THEREOF"

On page 9, line 6, after "OFFENDERS" strike everything through "PROPERTY" on line 7

On page 9, line 8, strike "**III.**" and insert "**II.**"

Representatives Simpson and Benson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1056.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1056 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1146, By Representatives Berkey, Romero, Jarrett, Miloscia, Schindler, McDonald, Benson, Mielke, Wallace, Linville, Wood, Kessler, Chase and McMahan**

**Adding a rental housing owner to the affordable housing advisory board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berkey and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1146.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1146 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

HOUSE BILL NO. 1146, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1160, By Representatives Miloscia, Armstrong, Wallace, Tom, Shabro, Haigh, McDermott and Anderson; by request of Secretary of State**

**Harmonizing election crimes and penalties.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1160 was substituted for House Bill No. 1160 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1160 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1160.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1160 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1160, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1195, By Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan**

**Limiting the liability of landowners for unintentional injuries incurred while rock climbing.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1195 was substituted for House Bill No. 1195 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1195 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin, Morris and Delvin (again) spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1195.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1195 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray,

Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1195, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1228, By Representatives Haigh, Conway, Miloscia, Bush, Armstrong, Hunt, Wallace, McDermott, Shabro, Tom, Nixon, McCoy, Simpson, Campbell, Wood and Chase**

**Extending the use of veterans' scoring criteria in employment examinations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Armstrong, Benson and Ahern spoke in favor of passage of the bill.

Representative Dickerson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1228.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1228 and the bill passed the House by the following vote: Yeas - 80, Nays - 11, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Condotta, Conway, Cooper, Cox, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Chase, Cody, Darneille, Dickerson, Hunt, Kenney, Moeller, Romero, Schual-Berke, Sommers, and Veloria - 11.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

HOUSE BILL NO. 1228, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1239, By Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller**

**Concerning the commercial harvest of geoduck clams.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1239 was substituted for House Bill No. 1239 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1239 was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1239.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1239 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Campbell, Crouse, Edwards, Flannigan, Kagi and Pflug - 7.

SUBSTITUTE HOUSE BILL NO. 1239, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended and the Committee on Agriculture & Natural Resources was relieved of further consideration of HOUSE BILL NO. 1666, and the bill was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 10:00 a.m., March 7, 2003, the 54<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY THIRD DAY, MARCH 6, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTY FOURTH DAY**

---

House Chamber, Olympia, Friday, March 7, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Irene Pagpaguitan and Jack Waterman. Prayer was offered by Iman Mohammed Joban, Islamic Center of Olympia and Alnour Mosque of Olympia.

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

### MESSAGES FROM THE SENATE

March 6, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1832,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5079,  
SENATE BILL NO. 5090,  
SENATE BILL NO. 5123,  
SENATE BILL NO. 5146,  
SENATE BILL NO. 5147,  
SENATE BILL NO. 5172,  
SUBSTITUTE SENATE BILL NO. 5179,  
SUBSTITUTE SENATE BILL NO. 5240,  
SENATE BILL NO. 5308,  
SUBSTITUTE SENATE BILL NO. 5358,  
SENATE BILL NO. 5367,  
SUBSTITUTE SENATE BILL NO. 5409,  
SENATE BILL NO. 5475,  
SUBSTITUTE SENATE BILL NO. 5714,  
SENATE BILL NO. 5720,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,  
SUBSTITUTE SENATE BILL NO. 5800,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

### INTRODUCTION & FIRST READING

HB 2213 by Representatives Gombosky and Grant

AN ACT Relating to multiple daily drawing on-line games; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2214 by Representatives Rockefeller, Clibborn, Wood, Wallace, Sullivan and Cooper

AN ACT Relating to the transportation permit efficiency and accountability committee; amending RCW 47.06C.901; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5079 by Senate Committee on Education (originally sponsored by Senators Finkbeiner, Kohl-Welles, Oke, Winsley, Zarelli, Benton, Swecker, Esser, Hale, Johnson, Hewitt, McAuliffe, Rasmussen and Parlette)

AN ACT Relating to natural science, wildlife, and environmental education; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SB 5090 by Senators Carlson, Fraser, Spanel and Rasmussen; by request of Joint Committee on Pension Policy

AN ACT Relating to determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards; and amending RCW 41.16.010, 41.16.020, and 41.26.110.

Referred to Committee on Appropriations.

SB 5123 by Senators Johnson, Kline and Esser

AN ACT Relating to the Washington business corporation act; amending RCW 23B.07.260, 23B.10.020, 23B.10.030, 23B.10.040, 23B.11.030, 23B.12.020, 23B.13.020, and 23B.14.020; adding a new section to chapter 23B.01 RCW; and adding a new section to chapter 23B.11 RCW.

Referred to Committee on Judiciary.

SB 5146 by Senators Winsley and Prentice; by request of Insurance Commissioner

AN ACT Relating to making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code; and amending RCW 48.01.050, 48.01.235, 48.14.029, 48.18.103, 48.18.291, 48.18A.050, 48.19.043, 48.20.025, 48.21.180, 48.22.110, 48.31.111, 48.31.184, 48.31.185, 48.43.115, 48.44.024, 48.46.068, 48.46.170, 48.46.225, 48.46.350, 48.62.111, 48.90.010, 48.90.020, 48.90.030, 48.90.140, and 48.99.040.

Referred to Committee on Financial Institutions & Insurance.

SB 5147 by Senators Winsley and Prentice; by request of Insurance Commissioner

AN ACT Relating to regulating automobile insurance; and amending RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, and 48.22.100.

Referred to Committee on Financial Institutions & Insurance.

SB 5172 by Senators Esser, Kline, Johnson and Roach; by request of Office of the Code Reviser

AN ACT Relating to making technical corrections to the Revised Code of Washington under the authority of RCW 1.08.025; and amending RCW 3.66.060, 4.24.210, 7.84.020, 7.84.040, 9.41.098, 10.105.900, 15.85.020, 15.85.060, 16.36.005, 17.26.020, 19.27.490, 19.158.020, 34.05.328, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 35A.69.010, 36.70.982, 36.70.992, 36.70A.460, 43.21B.005, 43.21C.0382, 43.21C.260, 43.21K.010, 43.52.440, 43.101.010, 69.04.930, 69.04.934, 70.105D.090, 72.63.040, 76.09.030, 76.09.063, 76.09.350, 76.09.910, 76.13.100, 76.42.060, 77.15.310, 78.44.050, 79.76.060, 79.90.150, 79.94.390, 79.96.080, 79A.25.240, 79A.60.010, 82.27.070, 89.08.470, 90.03.247, and 90.58.147.

Referred to Committee on Judiciary.

SSB 5179 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Mulliken, Rasmussen and T. Sheldon)

AN ACT Relating to body-gripping traps; amending RCW 77.08.010, 77.15.194, 77.65.450, 77.65.460, 77.32.545, and 77.15.198; adding new sections to chapter 77.12 RCW; repealing RCW 77.15.192; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 5240 by Senate Committee on Education (originally sponsored by Senators Zarelli, McAuliffe, Schmidt, Eide, Benton, Carlson, Keiser, Mulliken, Kohl-Welles, Stevens, Winsley, Hale, Roach and Poulsen)

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

Referred to Committee on Education.

SB 5308 by Senators Mulliken, T. Sheldon, Morton and McCaslin

AN ACT Relating to growth management hearings board review of plan and regulation compliance; and amending RCW 36.70A.280, 36.70A.290, 36.70A.302, 36.70A.320, and 90.58.190.

Held on 1<sup>st</sup> Reading.

SSB 5358 by Senate Committee on Education (originally sponsored by Senators West, Shin, Sheahan, Honeyford, Hewitt, Roach, Finkbeiner, Hale, Kline, McAuliffe, Winsley, Mulliken, Rasmussen and Schmidt)

AN ACT Relating to high school diplomas for veterans of the Korean conflict; and amending RCW 28A.230.120.

Referred to Committee on Education.

SB 5367 by Senators Haugen, Swecker, Jacobsen, Oke and Esser; by request of Utilities & Transportation Commission

AN ACT Relating to apportionment of the cost of installing and maintaining signals or warning devices at railroad-highway grade crossings; amending RCW 81.53.271 and 81.53.281; and creating a new section.

Referred to Committee on Transportation.

SSB 5409 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon, Roach, Fairley, Schmidt, Kline, Swecker, Reardon, Deccio, Doumit, McCaslin, Parlette, Esser, Rasmussen and Shin)

AN ACT Relating to providing a new direct petition annexation method; amending RCW 35.21.005 and 35A.01.040; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SB 5475 by Senators Horn, Shin, Sheahan, Kohl-Welles, Carlson and Winsley

AN ACT Relating to limiting courses of instruction that are exclusive to research institutions of higher education; and amending RCW 28B.10.115.

Referred to Committee on Higher Education.

SSB 5714 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton and Prentice)

AN ACT Relating to financial institution law parity; amending RCW 32.08.142, 32.08.146, and 32.32.500; reenacting and amending RCW 30.04.215; adding new sections to chapter 30.04 RCW; and adding new sections to chapter 32.08 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5720 by Senators Winsley, Prentice, Benton, Kline and Rasmussen

AN ACT Relating to identifying users of credit and debit cards; adding a new section to chapter 19.192 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5766 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale)

AN ACT Relating to providing businesses with notice of administrative rules; amending RCW 34.05.220 and 34.05.312; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on State Government.

SSB 5800 by Senate Committee on Economic Development (originally sponsored by Senators Brown, Sheahan, B. Sheldon, Finkbeiner, Doumit, Reardon, McCaslin, Keiser, Kohl-Welles, McAuliffe, Rasmussen, Schmidt, Shin, Thibaudeau and Winsley)

AN ACT Relating to establishing the economic development commission; amending RCW 43.330.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade & Economic Development.

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

### **SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1832,

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

### **SECOND READING**

#### **MOTION**

On motion of Representative Santos, Representative Edwards was excused. On motion of Representative Clements, Representative Campbell was excused.

**HOUSE BILL NO. 1178, By Representatives Schual-Berke, Skinner, Cody, Hankins, Moeller, Chase, Darneille, Upthegrove, Hunt, McCoy, Grant, Cooper, Clibborn, Ruderman, Kenney, Wallace, Lantz, Hudgins, Pettigrew, Morrell, McDermott, Jarrett, Romero, Haigh, Hunter, Kagi, Conway and Simpson**

**Requiring medically accurate information in sex education courses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1178 was substituted for House Bill No. 1178 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1178 was read the second time.

Representative Schual-Berke moved the adoption of amendment (056):

On page 2, line 21, after "use" strike all material through "accurate"

Representative Schual-Berke spoke in favor of the adoption of the amendment.

Representatives Nixon and Pflug spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (032) was withdrawn.

Representative Skinner moved the adoption of amendment (074):

On page 2, beginning on line 20, strike all subsection (3), and insert the following:  
"(3) This section shall not restrict any school district in selecting sexuality education courses. The decision as to which courses shall be taught shall be made exclusively by the school district."

Representatives Skinner, Cox, Pflug, Talcott and Armstrong spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (074) to Engrossed Substitute House Bill No. 1178.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (074) to Engrossed Substitute House Bill No. 1178, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 42.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representatives Campbell and Edwards - 2.

Representative Pflug moved the adoption of amendment (033):

On page 2, after line 23, insert the following:

"(5) This section does not prohibit any school district from providing abstinence-only education as a complete course or as a component of the curriculum of another course, regardless of the funding source."

Representative Pflug spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (033) to Substitute House Bill No. 1178.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (033) to Substitute House Bill No. 1178, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 42.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representatives Campbell and Edwards - 2.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Clibborn, Hunt, McIntire and Schual-Berke (again) spoke in favor of passage of the bill.

Representatives Schoesler, Nixon, Clements, Benson, Talcott, Schindler, Boldt, Armstrong, Skinner and Pflug spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1178.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1178 and the bill passed the House by the following vote: Yeas - 52, Nays - 44, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 44.

Excused: Representatives Campbell and Edwards - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1178, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1054, By Representatives Dickerson, Skinner, Romero, Haigh, O'Brien, Kenney, Darneille, Kagi, Clements, Sommers, Chase, Miloscia, McDermott, Kirby, Schual-Berke, Lovick and Kessler**

**Specifying circumstances under which a clergy must report child abuse or neglect.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

Representative Carrell moved the adoption of amendment (069):

On page 2, line 31, strike "performing" and insert "formally and officially designated and appointed in accordance with written policies of the church, religious denomination, religious body, spiritual community, or sect to perform"

Representatives Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (069) to Substitute House Bill No. 1054.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (069) to Substitute House Bill No. 1054, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 42.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representatives Campbell and Edwards - 2.

Representative Carrell moved the adoption of amendment (070):

On page 5, line 8, after "(2)" strike "(a)"

On page 5, line 10, after "member of the clergy" strike the remainder of subsection (2) and insert "unless the information obtained by the member of the clergy relates to the contemplation or execution of a future crime of abuse or neglect or serious abuse of a child."

Representative Carrell spoke in favor of the adoption of the amendment.



Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Nixon moved the adoption of amendment (045):

On page 5, line 10, strike "professional"

Representative Nixon spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMahan moved the adoption of amendment (027):

On page 10, line 16, after "RCW 26.44.080" strike "by a member of the clergy"

Representatives McMahan and Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Boldt moved the adoption of amendment (030):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Member of the clergy" means any regularly licensed, accredited, certified, or ordained minister, priest, ((~~or~~)) rabbi, imam, or similarly qualified religious or spiritual leader of any church or religious or spiritual denomination, sect, community, or body, or any person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrines, practices, customs, or traditions of the person's church or religious or spiritual denomination, sect, community, or body, whether acting in an individual capacity or as an employee, official, or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and

safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

**Sec. 2.** RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, member of the clergy, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2)(a) The reporting requirement of subsection (1) of this section does not apply to a member of the clergy with regard to information obtained by the member of the clergy acting in his or her professional capacity as a religious or spiritual counselor or advisor when (i) the information is obtained as a result of any confession, admission, discussion, or conversation, (ii) the member of the clergy is authorized to hear or participate in such confession, admission, discussion, or conversation, and (iii) the member of the clergy may, under the discipline, tenets, doctrines, practices, customs, or traditions of the person's church or religious or spiritual denomination, sect, community, or body, keep the confession, admission, discussion, or conversation secret, private, or confidential.

(b) Nothing in this subsection shall exempt a member of the clergy from making a report of child abuse or neglect as required in subsection (1) of this section when the member of the clergy is acting exclusively in some other capacity that would otherwise require a member of the clergy to make a report.

~~(3)~~ (3) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

~~((3))~~ (4) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~((4))~~ (5) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

~~((5))~~ (6) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

~~((6))~~ (7) Any county prosecutor or city attorney receiving a report under subsection ~~((5))~~ (6) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

~~((7))~~ (8) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

~~((8))~~ (9) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

~~((9))~~ (10) Persons or agencies exchanging information under subsection ~~((7))~~ (8) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

~~((10))~~ (11) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

~~((11))~~ (12) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((12))~~ (13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((13))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 3.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), ~~((16))~~ 9A.64.020, or 26.44.080.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

Representative Nixon moved the adoption of amendment (044) to amendment (030):

On page 4, line 37, strike "professional"

Representative Nixon spoke in favor of the adoption of the amendment (044) to amendment (030).

Representative Dickerson spoke against the adoption of the amendment (044) to the amendment (030).

The amendment (044) to the amendment (030) was not adopted.

Representatives Boldt, DeBolt, Skinner, Ericksen, Boldt (again) and Clements spoke in favor of the adoption of the amendment.

Representatives Dickerson, Kessler and Dickerson (again) spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (030) to Substitute House Bill No. 1054.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (030) to Substitute House Bill No. 1054, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 42.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representatives Campbell and Edwards - 2.

With the consent of the House, amendment (067) was withdrawn.

Representative Carrell moved the adoption of amendment (071):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Member of the clergy" means any regularly licensed, accredited, or ordained minister, priest, ~~((or))~~ rabbi, imam, or similarly situated religious or spiritual leader of any church ~~((or))~~, religious denomination, religious body, spiritual community, or sect, whether acting in an individual capacity or as an employee ~~((or))~~, agent, or official of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

**Sec. 2.** RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and

children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

When any member of the clergy has reasonable cause to believe that a child has suffered abuse or neglect from another member of the clergy within the same church, religious denomination, religious body, spiritual community, or sect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2)(a) The reporting requirement of subsection (1) of this section does not apply to a member of the clergy with regard to information obtained solely as a result of a confession made pursuant to the clergy-penitent privilege as provided in RCW 5.60.060(3).

(b) Nothing in this subsection shall exempt a member of the clergy from making a report of child abuse or neglect as required in subsection (1) of this section when the member of the clergy is acting in some other capacity that would otherwise require him or her to make a report.

(3) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

~~((3))~~ (4) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~((4))~~ (5) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

~~((5))~~ (6) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

~~((6))~~ (7) Any county prosecutor or city attorney receiving a report under subsection ~~((5))~~ (6) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

~~((7))~~ (8) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of

the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

~~((8))~~ (9) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

~~((9))~~ (10) Persons or agencies exchanging information under subsection ~~((7))~~ (8) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

~~((10))~~ (11) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

~~((11))~~ (12) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((12))~~ (13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((13))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 3.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is



committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) A violation of RCW 26.44.080 must not be prosecuted more than ten years after the disclosure of the information that was the subject of the reporting requirement under RCW 26.44.030 should have occurred.

(j) No other gross misdemeanor may be prosecuted more than two years after its commission.

~~((+))~~ (k) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

Correct the title.

Representatives Carrell, Anderson and Carrell (again) spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (071) to Substitute House Bill No. 1054.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (071) to Substitute House Bill No. 1054, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 40.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 57.

Excused: Representative Edwards - 1.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Darneille, Kagi, McIntire and Quall spoke in favor of passage of the bill.

Representatives Bush, Carroll and Boldt spoke against the passage of the bill.

#### MOTION

Representative DeBolt moved that ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054 be referred to the Committee on Judiciary.

Representatives DeBolt spoke in favor of the adoption of the motion.

Representatives Kessler spoke against the adoption of the motion.

The motion to refer Engrossed Substitute House Bill No. 1054 to the Committee on Judiciary was not adopted.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1054.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1054 and the bill passed the House by the following vote: Yeas - 62, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump and Talcott - 35.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 10, 2003, the 57<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY FOURTH DAY, MARCH 7, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTY SEVENTH DAY**

---

House Chamber, Olympia, Monday, March 10, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Cross and Gabriel Itaya. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Melody Young, Westminister Presbyterian Church, Olympia.

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

**MESSAGES FROM THE SENATE**

March 7, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5006,  
SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5167,  
SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5225,  
SENATE BILL NO. 5232,  
ENGROSSED SENATE BILL NO. 5254,  
SUBSTITUTE SENATE BILL NO. 5321,  
SENATE BILL NO. 5425,  
SENATE BILL NO. 5437,  
SUBSTITUTE SENATE BILL NO. 5505,  
ENGROSSED SENATE BILL NO. 5560,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5587,  
SUBSTITUTE SENATE BILL NO. 5627,  
SENATE JOINT MEMORIAL NO. 8008,  
SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2003

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### **INTRODUCTION & FIRST READING**

HB 2215 by Representatives Murray and Simpson

AN ACT Relating to vehicle dealer documentary service fees; amending RCW 63.14.010 and 63.14.130; and reenacting and amending RCW 46.70.180.

Referred to Committee on Transportation.

HB 2216 by Representative Pettigrew

AN ACT Relating to short-term cash assistance for homeless persons; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Children & Family Services.

SSB 5006 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Jacobsen and Haugen)

AN ACT Relating to nonconsumptive wildlife activities; and amending RCW 79.01.244 and 79.68.050.

Referred to Committee on Agriculture & Natural Resources.

SB 5052 by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

AN ACT Relating to significant legislative rules; amending RCW 34.05.328; and creating a new section.

SSB 5089 by Senate Committee on Ways & Means (originally sponsored by Senators Carlson, Fraser, Rasmussen and Esser; by request of Joint Committee on Pension Policy)

AN ACT Relating to allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2; adding a new section to chapter 41.26 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5167 by Senators Regala, Hewitt, Franklin, Winsley and Kohl-Welles

AN ACT Relating to sellers of travel; and amending RCW 19.138.140.

Referred to Committee on Commerce & Labor.

SB 5175 by Senators Doumit, Roach, Haugen, Kohl-Welles, McAuliffe, Rasmussen, T. Sheldon and Winsley

AN ACT Relating to monthly pensions for volunteer fire fighters and reserve officers; amending RCW 41.24.185; reenacting and amending RCW 41.24.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5225 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Zarelli and Esser)

AN ACT Relating to providing rent vouchers for low-income persons to pay for rent and security deposits; amending RCW 36.22.178; and creating a new section.

SB 5232 by Senator Morton

AN ACT Relating to authorizing multiyear excess property tax levies for cemetery districts; amending RCW 68.52.310; reenacting and amending RCW 84.52.052; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Finance.

ESB 5254 by Senators Roach, Hale, Stevens, T. Sheldon, Mulliken, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

AN ACT Relating to the burden of proof in actions asserting invalidity of agency rules; and amending RCW 34.05.570.

Referred to Committee on State Government.

SB 5308 by Senators Mulliken, T. Sheldon, Morton and McCaslin

AN ACT Relating to growth management hearings board review of plan and regulation compliance; and amending RCW 36.70A.280, 36.70A.290, 36.70A.302, 36.70A.320, and 90.58.190.

Referred to Committee on Local Government.

SSB 5321 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Johnson and Prentice)

AN ACT Relating to payment agreements; and amending RCW 39.96.020.

Referred to Committee on Local Government.

SB 5425 by Senators Winsley, Prentice, Benton, Kohl-Welles, Carlson, B. Sheldon, Brown, Schmidt, Rossi, West and Sheahan; by request of Lieutenant Governor

AN ACT Relating to the total outstanding indebtedness of the higher education facilities authority; and amending RCW 28B.07.050.

Referred to Committee on Capital Budget.

SB 5437 by Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West

AN ACT Relating to appeals from decisions by the school district regional committee; amending RCW 28A.315.205; and creating a new section.

Referred to Committee on Education.

SSB 5505 by Senate Committee on Education (originally sponsored by Senators Carlson, Rasmussen, Honeyford, Doumit and Eide)

AN ACT Relating to courses of study options offered by public high schools; and amending RCW 28A.230.010 and 28A.230.130.

Referred to Committee on Education.

ESB 5560 by Senators Honeyford, Keiser, Horn and Kohl-Welles; by request of University of Washington

AN ACT Relating to the prohibition of sales of alcohol on university grounds; and repealing RCW 66.44.190.

Referred to Committee on Commerce & Labor.

SB 5570 by Senators Brown, Brandland, Kohl-Welles and Rasmussen; by request of Attorney General

AN ACT Relating to communication with a minor for immoral purposes; and amending RCW 9.68A.090.

Referred to Committee on Judiciary.

SB 5587 by Senators Fairley, Keiser, Kline, Winsley, Kohl-Welles and Rasmussen

AN ACT Relating to voter accessibility; and adding a new section to chapter 29.33 RCW.

Referred to Committee on State Government.

SSB 5627 by Senate Committee on Judiciary (originally sponsored by Senators Esser and Kastama)

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

SJM 8008 by Senators Rasmussen, Swecker, Roach, Shin, Kastama, Franklin, Winsley, Schmidt, Oke, Eide and Kohl-Welles; by request of Joint Select Committee on Veterans' and Military Affairs

Requesting that veterans receive concurrent retirement and disability payments.

Referred to Committee on State Government.

SJR 8208 by Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

Referred to Committee on Finance.

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

## **REPORTS OF STANDING COMMITTEES**

March 6, 2003

HB 1003 Prime Sponsor, Representative Morris: Creating the research and technology transfer commission. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Sommers, Chairman; Fromhold,

Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cox; McDonald and Sump.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1041 Prime Sponsor, Representative Lantz: Authorizing mental health advance directives. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1065 Prime Sponsor, Representative Conway: Establishing apprenticeship utilization requirements for public works projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Blake; Chase; Flannigan; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Bush; Hankins; Hinkle; Newhouse; Orcutt and Schoesler.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1081 Prime Sponsor, Representative Hunter: Providing funds to deter, investigate, and prosecute real estate fraud crimes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander; DeBolt and Sump.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1095 Prime Sponsor, Representative Rockefeller: Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1133 Prime Sponsor, Representative Carrell: Requiring county assessors to submit an annual property tax report to the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1205 Prime Sponsor, Representative Conway: Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi and Sump.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1234 Prime Sponsor, Representative Pettigrew: Establishing an industry cluster-based approach to economic development. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Trade & Economic Development. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1250 Prime Sponsor, Representative Eickmeyer: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.



Passed to Committee on Rules for second reading.

March 8, 2003

HB 1271 Prime Sponsor, Representative Anderson: Enhancing interoperability of emergency communications. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Technology, Telecommunications & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1274 Prime Sponsor, Representative Lantz: Revising the rate of interest on certain tort judgments. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Dunshee; Grant; Hunter; Kagi; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Kenney and Kessler.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1281 Prime Sponsor, Representative Pettigrew: Promoting economic development and community revitalization. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill proposed by the Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1336 Prime Sponsor, Representative Linville: Concerning watershed planning grants and implementation lead agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; DeBolt and Sump.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1338 Prime Sponsor, Representative Linville: Providing additional certainty for municipal water rights. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Clements; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Boldt; Buck; Cox; DeBolt and Sump.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1345 Prime Sponsor, Representative Cooper: Creating regional fire protection service authorities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1394 Prime Sponsor, Representative Kagi: Changing threshold property values for crimes against property. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cox; Hunter; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1418 Prime Sponsor, Representative Quall: Exempting drainage infrastructure from certain environmental requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1454 Prime Sponsor, Representative Morris: Eliminating the expiration date on certain business and occupation tax credits and deferrals. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Vice Chairman; Conway.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1455 Prime Sponsor, Representative Santos: Licensing and regulating money transmission and currency exchange. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1458 Prime Sponsor, Representative Alexander: Authorizing retirement incentive programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1462 Prime Sponsor, Representative Morris: Prohibiting local governments from imposing business and occupation tax on intellectual property. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Vice Chairman; Conway.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1466 Prime Sponsor, Representative Quall: Promoting natural science, wildlife, and environmental education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1470 Prime Sponsor, Representative Cox: Expanding "residency" for purposes of attending Washington public schools. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1481 Prime Sponsor, Representative Sullivan: Modifying relocation assistance provisions.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1518 Prime Sponsor, Representative Sullivan: Modifying relocation assistance provisions.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1545 Prime Sponsor, Representative Fromhold: Providing for consolidation of early learning and child care programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pflug and Sump.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1557 Prime Sponsor, Representative McDermott: Collecting voter-approved taxes by a city transportation authority. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Dickerson; Flannigan; Hankins; Hudgins; Kristiansen; Lovick; Mielke; Morris; Romero; Schindler; Shabro and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Clibborn; Cooper; Hatfield; Nixon; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1562 Prime Sponsor, Representative Lovick: Allowing release of bus drivers' driving abstracts to employers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Dickerson; Hankins; Hatfield; Kristiansen; Lovick; Mielke; Nixon; Romero; Schindler; Shabro; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Simpson, Vice Chairman; Cooper; Flannigan; Hudgins; Morris and Wood.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1570 Prime Sponsor, Representative Kessler: Creating the position of poet laureate. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cox; McDonald; Pflug and Sump.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1581 Prime Sponsor, Representative Gombosky: Modifying parking and business improvement area provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1582 Prime Sponsor, Representative Schual-Berke: Forming market assistance plans and joint underwriting associations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Kessler; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1638 Prime Sponsor, Representative Schual-Berke: Concerning hepatitis C. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1655 Prime Sponsor, Representative Clibborn: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1677 Prime Sponsor, Representative Shabro: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

HB 1685 Prime Sponsor, Representative Orcutt: Eliminating the expiration dates on tax exemptions for water services supplied by certain water-sewer districts and irrigation districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1698 Prime Sponsor, Representative Cooper: Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities. Reported by Committee on Capital Budget

MAJORITY recommendation:

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1702 Prime Sponsor, Representative Hatfield: Recovering costs for motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Clibborn; Cooper;

Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Schindler.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1705 Prime Sponsor, Representative Simpson: Funding tire recycling. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Fisheries, Ecology & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; DeBolt and Sump.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1725 Prime Sponsor, Representative Cooper: Concerning the cost of a catch record card. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1733 Prime Sponsor, Representative McIntire: Creating the Washington voluntary accounts program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cox; Hunter; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1735 Prime Sponsor, Representative Murray: Restructuring authorization for street utilities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Bailey; Campbell; Kristiansen; Mielke; Nixon; Shabro; Wallace and Woods.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1745 Prime Sponsor, Representative Kessler: Requiring inspections of egg-laying facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Grant; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1751 Prime Sponsor, Representative Fromhold: Providing tax incentives to support the state's semiconductor cluster. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Vice Chairman;

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1756 Prime Sponsor, Representative Conway: Authorizing additional funding for local governments. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1769 Prime Sponsor, Representative Romero: Establishing a schedule of time limits under which local governments must develop or amend shoreline master plans. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander; Buck; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt; Clements; Sump and Talcott.

Passed to Committee on Rules for second reading.



March 8, 2003

HB 1784 Prime Sponsor, Representative Darneille: Improving coordination of services for children's mental health. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1796 Prime Sponsor, Representative Murray: Funding driver's education for low-income students. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Transportation. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Hunter; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1813 Prime Sponsor, Representative Miloscia: Expanding employment opportunities for people with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1841 Prime Sponsor, Representative Kagi: Creating programs to promote prevention of child abuse and neglect. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1849 Prime Sponsor, Representative Bailey: Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1858 Prime Sponsor, Representative Morris: Regarding taxation of persons providing chemical dependency services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1865 Prime Sponsor, Representative Cody: Improving patient safety practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1869 Prime Sponsor, Representative McIntire: Requiring performance audits for tax preferences. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1872 Prime Sponsor, Representative Blake: Providing for linked deposit loans for assistive technology. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1879 Prime Sponsor, Representative Gombosky: Coordinating the state collection and administration of sales and use taxes imposed by tribal municipalities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1880 Prime Sponsor, Representative Gombosky: Authorizing a county sales and use tax to fund economic development. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Trade & Economic Development. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1887 Prime Sponsor, Representative Linville: Creating the commercial fisheries permit buyback account. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1896 Prime Sponsor, Representative Quall: Adding powers and duties for the superintendent of public instruction. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Buck; Clements and DeBolt.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1905 Prime Sponsor, Representative Gombosky: Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1909 Prime Sponsor, Representative Jarrett: Creating a pilot project for competency-based transfer in higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1913 Prime Sponsor, Representative Darneille: Granting authority to the department of community, trade, and economic development to address concerns with lead-based paint activities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1930 Prime Sponsor, Representative Morris: Enacting procedural enhancements to the master settlement agreement. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1937 Prime Sponsor, Representative Murray: Excluding power wheelchairs from motor vehicle regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 7, 2003

HB 1943 Prime Sponsor, Representative McIntire: Modifying cigarette regulatory provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 1952 Prime Sponsor, Representative Hatfield: Designating highways of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong and Mielke.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1960 Prime Sponsor, Representative Murray: Governing regional transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Kristiansen; Mielke; Schindler and Wallace.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 1963 Prime Sponsor, Representative Murray: Revising selection of regional transit authority boards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Kristiansen; Mielke; Nixon; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 1973 Prime Sponsor, Representative Veloria: Promoting tourism. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Trade & Economic Development. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2001 Prime Sponsor, Representative Murray: Providing property tax exemptions for nonprofit organizations supporting artists. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2004 Prime Sponsor, Representative Hudgins: Describing the route of SR 99. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2012 Prime Sponsor, Representative Fromhold: Creating a special services pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 2021 Prime Sponsor, Representative Wallace: Disclosing rebuilt vehicles in private sales. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2030 Prime Sponsor, Representative Kessler: Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris; Roach and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives McIntire, Vice Chairman; Conway.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2033 Prime Sponsor, Representative Shabro: Requiring regional transportation investment district tax revenue to be allocated proportionally among member counties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Kristiansen; Lovick; Mielke; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Hatfield; Hudgins and Morris.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2036 Prime Sponsor, Representative Buck: Authorizing the Quileute Tribe to enter cigarette tax contracts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2044 Prime Sponsor, Representative Hunter: Changing the school district levy base calculation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; McIntire; Miloscia; Pflug; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Kessler; Linville; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2065 Prime Sponsor, Representative Simpson: Facilitating license plate technology advances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Armstrong; Bailey; Kristiansen; Mielke; Nixon; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2072 Prime Sponsor, Representative Hankins: Creating the Produce Railcar Pool. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke and Nixon.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2098 Prime Sponsor, Representative Grant: Providing financial assistance to counties and cities.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2112 Prime Sponsor, Representative Haigh: Reviewing the use of the general contractor/construction manager procedures authorized in chapter 39.10 RCW.  
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill proposed by the Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2119 Prime Sponsor, Representative Linville: Establishing the Washington climate action registry.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Boldt; Buck; Clements; Cox and Sump.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 2121 Prime Sponsor, Representative Simpson: Revising transportation goals. Reported by  
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace and Wood.



MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Mielke; Nixon; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2122 Prime Sponsor, Representative Schual-Berke: Simplifying administrative procedures for state-purchased health care programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2124 Prime Sponsor, Representative Quall: Regarding high school graduation requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2140 Prime Sponsor, Representative Grant: Reaffirming the role of the state conservation commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2150 Prime Sponsor, Representative Lantz: Modifying the administration of civil legal services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2151 Prime Sponsor, Representative Alexander: Prioritizing proposed higher education capital projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Hunt, Vice Chair; Alexander, Ranking Minority Member; Priest, Asst Ranking Minority Member; Armstrong; Benson; Blake; Bush;

Chase; Flannigan; Hankins; Hinkle; Kirby; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Lantz and Veloria.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2164 Prime Sponsor, Representative Conway: Creating a manufacturing advisory partnership to provide recommendations for improving the manufacturing sector. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Clements; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Pflug; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Cox; DeBolt; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2180 Prime Sponsor, Representative Romero: Authorizing early retirement for the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 10, 2003

HB 2184 Prime Sponsor, Representative McIntire: Providing for uniform and comprehensive facility inventory and condition data. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

March 6, 2003

HB 2186 Prime Sponsor, Representative Fromhold: Making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2195 Prime Sponsor, Representative McDermott: Regarding state assessment standards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; DeBolt; Grant; Hunter; Kagi; Kenney; Kessler; McDonald; Miloscia; Pflug; Ruderman; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Dunshee; Linville; McIntire and Schual-Berke.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2196 Prime Sponsor, Representative Sommers: Revising and reporting on state agency allotments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2197 Prime Sponsor, Representative Conway: Implementing Initiative Measure No. 790. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HB 2198 Prime Sponsor, Representative Cooper: Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 8, 2003

HCR 4403 Prime Sponsor, Representative Schual-Berke: Creating the Health Care Access Options Working Group. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill proposed by the Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 1269, By Representatives Linville and Schoesler; by request of Department of Agriculture**

### **Regulating structural pest inspectors.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1269 was substituted for House Bill No. 1269 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1269 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

With the consent of the House, Representatives Berkey, Edwards, Ericksen and Schoesler were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1269.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1269 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Berkey, Edwards, Ericksen and Schoesler - 4.

SUBSTITUTE HOUSE BILL NO. 1269, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1277, By Representatives Kenney, Cox, Jarrett, Chase, Veloria, Kessler and Upthegrove**

**Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1277 was read the second time.

Representative Kenney moved the adoption of amendment (040):

On page 5, after line 6, insert the following:

"**Sec. 12.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Representative Kenney spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1277.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1277 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1294, By Representatives McDermott, Haigh, Armstrong, Nixon, Miloscia, Dickerson and Mielke; by request of Public Disclosure Commission**

**Revising campaign finance reporting requirements for out-of-state political committees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1294.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1294 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1294, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1439, By Representatives Kenney, Conway, Chandler, Tom, Kagi, Wood and Wallace**

**Requiring seller disclosure of the presence of uncertified wood stoves or uncertified fireplace inserts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1439.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1439 and the bill passed the House by the following vote: Yeas - 76, Nays - 19, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Bailey, Blake, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Buck, Bush, Condotta, Crouse, Hinkle, Kristiansen, Mastin, McMahan, Mielke, Orcutt, Pearson, Roach, Schindler, Sehlin, and Sump - 19.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1439, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1444, By Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell**

**Protecting proprietary or confidential information acquired through state health services purchasing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1444.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1444 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1444, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO.1453, By Representatives Kenney, Cox, Fromhold, Jarrett, McCoy, Berkey, Hudgins, Wood, Priest, Conway, Linville, McIntire, Benson, Rockefeller, Anderson, Lantz, Morrell, Wallace and Upthegrove**

**Improving articulation and transfer between institutions of higher education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, 31<sup>st</sup> Day, February 12, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1453.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1453 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

ENGROSSED HOUSE BILL NO. 1453, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1463, By Representatives Sullivan, Ericksen, Simpson, Jarrett and Anderson**



### **Allowing advertising on bus shelters.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1463 was substituted for House Bill No. 1463 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1463 was read the second time.

Representative Bush moved the adoption of amendment (078):

On page 1, line 7, after "commercial", insert "and political".

On page 2, line 16, after "commercial", insert "and political".

On page 3, line 9, after "commercial", insert "and political".

Representative Bush spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Nixon moved the adoption of amendment (038):

On page 1, line 15, after "the roof", strike "or upstream side of the shelter" and insert the following: "of the shelter or on the forward side of the shelter facing oncoming traffic".

Representatives Nixon and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1463.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1463 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Linville, Lovick, Mastin, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Bush, Clements, Hudgins, Hunt, Kagi, Lantz, McCoy, McIntire and Romero - 9.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1464, By Representatives Boldt, Nixon and Anderson**

**Requiring department of social and health services to work with community-based and faith-based social services organizations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1464 was substituted for House Bill No. 1464 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1464 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1464.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1464 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

SUBSTITUTE HOUSE BILL NO. 1464, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1489, By Representatives Sullivan, Pflug, Schual-Berke, Crouse, Cody, Santos, Morrell, Wood, Anderson and Kenney**

**Creating a voluntary organ and tissue donor registry.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1489 was substituted for House Bill No. 1489 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1489 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1489.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1489 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Kristiansen - 1.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

SUBSTITUTE HOUSE BILL NO. 1489, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1509, By Representatives Skinner, Veloria, Sehlin, Pettigrew, McDonald, Schual-Berke, McCoy, McDermott, Linville, Upthegrove and Conway**

#### **Establishing the economic development commission.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1509 was substituted for House Bill No. 1509 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1509 was read the second time.

Representative Pettigrew moved the adoption of amendment (066):

On page 1, line 12, strike "nine" and insert "eleven"

On page 2, line 21, after "state" insert ", with at least two of those members representing small businesses"

On page 2, after line 21, insert:

"(h) The members must include two senators and two representatives from the legislature. The president of the senate shall appoint the senate members of the commission, and the speaker of the house shall appoint the house members of the commission. There should be representation from each of the two largest political parties in the senate and the house. Vacancies will be filled from the same political party and the same house as the member whose seat was vacated. The appointment process for the vacancy will be accomplished in the same manner as the initial appointment."

On page 2, line 29, after "(c)" insert "Identify policies and programs to assist Washington's small businesses;"

Renumber the remaining subsections consecutively and correct any internal references accordingly

On page 2, line 37, after "(ii)" insert "Development of strategies that promote the growth and success of Washington's small businesses;"

Renumber the remaining subsections consecutively and correct any internal references accordingly

Representatives Pettigrew and Skinner spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner and Veloria spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1509.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1509 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1533, By Representatives Schoesler, Linville, Chandler, Grant, Clements, Newhouse, Armstrong and Delvin**

**Authorizing a new subaccount in the public works assistance account.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1533 was substituted for House Bill No. 1533 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1533 was read the second time.

Representative Schoesler moved the adoption of amendment (063):

On page 1, after line 17, insert the following:

"New Section. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and takes effect immediately."

Correct the title.

Representatives Schoesler and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1533.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1533 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1566, By Representative Alexander**

#### **Modifying record retention provisions for county auditors.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Romero spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1566.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1566 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1566, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1572, By Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta**

**Increasing small claims judgments upon failure to pay.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1572.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1572 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1612, By Representatives Hinkle, Dickerson, Delvin, Carrell, Pettigrew, Upthegrove, Eickmeyer, Edwards and Kessler**

**Requiring notification to parents of mental health treatment options for a minor child.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1612.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1612 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1612, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1667, By Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell**

**Clarifying local government land use and zoning powers over gambling activities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1667.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1667 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1667, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, By Representatives Morrell, Campbell, Cody, Skinner, Clibborn and Dickerson; by request of Department of Social and Health Services**

**Requiring the department of social and health services to inspect boarding homes at least every eighteen months.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1694.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1694 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1980, By Representative Boldt**

#### **Changing work activity provisions under the TANF program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1980.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1980 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin,



Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

HOUSE BILL NO. 1980, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1619, By Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia, Berkey, Dunshee, Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller**

**Increasing penalties for driving while under the influence with children in the vehicle.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1619 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1619.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1619 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

SUBSTITUTE HOUSE BILL NO. 1619, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1767, By Representatives Lovick, Campbell, Mielke, Lantz and O'Brien; by request of Department of Social and Health Services**

**Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1767 was substituted for House Bill No. 1767 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1767 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1767.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1767 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Hinkle - 1.

Excused: Representatives Berkey, Edwards and Ericksen - 3.

SUBSTITUTE HOUSE BILL NO. 1767, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Hatfield to preside.

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

There being no objection, the House adjourned until 9:00 a.m., March 11, 2003, the 58<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY SEVENTH DAY, MARCH 10, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**FIFTY EIGHTH DAY**

---

House Chamber, Olympia, Tuesday, March 11, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nikolaj Lasbo and Janice Morrow. Prayer was offered by Pastor Paul Turner, Willapa Harbor Christian Fellowship, Raymond.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4635, By Representatives Quall, Talcott, Tom, Bailey, Pearson, Kristiansen, Armstrong, Cairnes, Carrell, Rockefeller, Fromhold, Cody, Upthegrove, Haigh, Orcutt, Hunt, McIntire, Linville, Voloria, McCoy, Blake, Gombosky, Hunter, Wallace, Buck, McMahan, Mielke, Benson, Schindler, Hankins, Mastin, Ahern, Schoesler, Darneille, Delvin, Newhouse, Roach, Kirby, Morris, Sullivan, Schual-Berke, Grant, Pettigrew, Wood, Cooper, Ruderman, Clements and Lantz

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly all children receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor classified school employees during Classified School Employee Week, March 10 through 14, 2003, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington.

HOUSE RESOLUTION NO. 4635 was adopted.

### MESSAGES FROM THE SENATE

March 10, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5168,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5631,  
SENATE JOINT MEMORIAL NO. 8020,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### SECOND READING SUSPENSION

**HOUSE BILL NO. 1073, By Representatives Haigh and Eickmeyer**

**Modifying the collection of property taxes on land subleased for residential and recreational purposes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

### MOTIONS

On motion of Representative Santos, Representatives Edwards, Kagi, Kessler, Lantz, McIntire, Pettigrew, Quall and Schual-Berke were excused. On motion of Representative Newhouse, Representatives Campbell, Chandler, Mastin, Pflug and Schoesler were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1073.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1073 and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kirby, Kristiansen, Linville, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Excused: Representatives Campbell, Chandler, Edwards, Kagi, Kessler, Lantz, Mastin, McIntire, Pettigrew, Pflug, Quall, Schoesler and Schual-Berke - 13.

HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1290, By Representatives Sump and Mielke**

**Establishing bond requirements for title insurance agent licenses.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1290 was read the second time.

The bill was placed on final passage.

Representatives Sump and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1290.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1290 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pettigrew, Pflug, Quall, Schoesler and Schual-Berke - 9.

SUBSTITUTE HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1356, By Representatives Dunshee, Sommers, DeBolt and Alexander; by request of Utilities & Transportation Commission**

**Updating utilities and transportation commission regulatory fees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dunshee and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1356.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1356 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pettigrew, Pflug, Quall, Schoesler and Schual-Berke - 9.

HOUSE BILL NO. 1356, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1375, By Representatives Dickerson, Sommers, Cody, Wallace, Campbell and McMahan**

#### **Eliminating basic health plan eligibility of persons holding student visas.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1375.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1375 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rockefeller, Romero,

Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pettigrew, Pflug, Quall and Schoesler - 8.

HOUSE BILL NO. 1375, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1621, By Representatives Morrell, Pflug, Skinner, Cody, Clibborn and Schual-Berke; by request of Department of Social and Health Services**

**Modifying medical assistance provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1621.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1621 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug, Quall and Schoesler - 7.

HOUSE BILL NO. 1621, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1635, By Representatives Pettigrew, Boldt, Kagi, Edwards and Kenney; by request of Department of Social and Health Services**

**Revising reporting requirements for income and resources under the public assistance program.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pettigrew and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1635.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1635 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug, Quall and Schoesler - 7.

HOUSE BILL NO. 1635, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1711, By Representatives O'Brien, Mielke and Darneille; by request of Department of Community, Trade, and Economic Development**

#### **Revising method for making distributions under the municipal criminal justice assistance account.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1711 was read the second time.

The bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1711 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug, Quall and Schoesler - 7.



SUBSTITUTE HOUSE BILL NO. 1711, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1726, By Representatives Haigh and Armstrong; by request of Office of Financial Management**

**Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 47<sup>th</sup> Day, February 28, 2003.)

The bill was ordered engrossed.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1726.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1726 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

ENGROSSED HOUSE BILL NO. 1726, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1759, By Representatives Schual-Berke and Benson**

**Providing financial institution law parity.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1759 was read the second time.

The bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1759.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representative DeBolt - 1.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE BILL NO. 1759, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1785, By Representatives Cody, Pflug, Skinner, Schual-Berke, Dickerson and Edwards**

#### **Limiting disclosure of client information.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1785 was read the second time.

The bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1785.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1785 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE BILL NO. 1785, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1815, By Representatives Schual-Berke and Benson**

**Defining security account under the uniform transfer on death security registration act.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1815.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1815 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1816, By Representatives Lantz and Carrell**

**Allowing attorney issued garnishments and simplifying garnishment answer forms.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1816.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1816 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.  
Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

HOUSE BILL NO. 1816, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1837, By Representatives Linville, Cody, Haigh, Schual-Berke, Santos, Morrell, Voloria and Chase**

**Authorizing the establishment of emergency medical and health clinic services under Title 52 RCW.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1837 was read the second time.

The bill was placed on final passage.

Representatives Linville and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1837.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1837 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.  
Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE BILL NO. 1837, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1867, By Representatives Lantz, Carrell and Rockefeller**

**Establishing replevin procedures.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1867 was read the second time.

The bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1867.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1867 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE BILL NO. 1867, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1954, By Representatives Moeller and McMahan**

#### **Permitting a retired judge acting as a judge pro tempore to decline compensation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Moeller and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1954.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1954 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

HOUSE BILL NO. 1954, having received the necessary constitutional majority, was declared passed.

### **HOUSE JOINT MEMORIAL NO. 4004, By Representatives Nixon, Campbell, Bush, Kessler, Talcott and Simpson**

**Requesting Congress to restore the federal income tax deduction for state and local sales taxes.**

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004 was read the second time.

The joint memorial was placed on final passage.

Representatives Nixon and Gombosky spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4004.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4004 and the joint memorial passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4012, By Representatives Miloscia, Delvin, Dickerson, Boldt, Chase, Moeller, Edwards, Haigh, Pettigrew, Benson, Veloria, Kagi and Schual-Berke**

**Encouraging counties and local governments to establish a Children's Advocacy Center.**

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Miloscia and Delvin spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4012.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4012 and the joint memorial passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.  
Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

HOUSE JOINT MEMORIAL NO. 4012, having received the necessary constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 1061, By Representatives Veloria, Kenney, Conway, Cox, Hunt, Clements, Morrell, Campbell, Kessler, Simpson, Wood and Berkey**

**Authorizing associate degree pathways for persons in apprenticeship programs at community and technical colleges.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1061 was substituted for House Bill No. 1061 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1061 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1061.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1061 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Campbell, Chandler, Edwards, McIntire, Pflug and Schoesler - 6.

SUBSTITUTE HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1100, By Representatives Linville, Schoesler, Grant, Rockefeller and Sump; by request of Department of Agriculture**

**Regulating the sale, processing, or purchase of agricultural products.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1100 was substituted for House Bill No. 1100 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1100 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1100.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1100 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1100, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1102, By Representatives Murray, Ericksen, Rockefeller, Wood and Mielke**

**Revising the provision for exchange agreements for environmental mitigation sites.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1102.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1102 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins,



Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

HOUSE BILL NO. 1102, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1136, By Representatives Flannigan, Ericksen, Armstrong, McIntire, Condotta, Wallace, Dunshee and Cooper**

**Concerning distributions from the outdoor recreation account.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1136 was substituted for House Bill No. 1136 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1136 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1136.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1136 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1136, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1192, By Representatives Cody, Pflug, Clibborn, Lovick, McDonald, Dunshee, Delvin, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Cairnes, Mastin and Grant**

**Regulating the catheterization of students.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1192 was substituted for House Bill No. 1192 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1192 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Talcott and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1192.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1192 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1192, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1196, By Representatives Simpson and Cairnes**

**Including hospital districts in the definition of "local government" for chapter 39.96  
RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1196.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1196 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins,

Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1217, By Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin**

**Authorizing speeding enforcement on certain private roads.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1217 was substituted for House Bill No. 1217 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1217 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1217.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1217 and the bill passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Anderson, Clements, Flannigan, Hatfield, Hudgins, Hunter, Morris and Pettigrew - 8.

Excused: Representatives Campbell, Chandler, Edwards, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1217, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1569, By Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott, Shabro and Benson**

**Excluding certain information supplied by a bidder on a public bid from public disclosure.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1569 was substituted for House Bill No. 1569 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1569 was read the second time.

With the consent of the House, amendment (081) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1569.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1569 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Conway, Dunshee, Morrell, Murray and Romero - 5.

Excused: Representatives Chandler, Edwards, Pflug and Schoesler - 4.

SUBSTITUTE HOUSE BILL NO. 1569, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1569.

VELMA VELORIA, 11<sup>th</sup> District

**HOUSE BILL NO. 1240, By Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler**

#### **Providing tax incentives for biodiesel and alcohol fuel production.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1240 was substituted for House Bill No. 1240 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1240 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Crouse and Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1240.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1240 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Delvin - 1.

Excused: Representatives Chandler, Edwards, Pflug and Schoesler - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1240, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1241, By Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler**

**Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1241.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1241 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Delvin - 1.

Excused: Representatives Chandler, Edwards, Pflug and Schoesler - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1242, By Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Mielke**

**Establishing requirements for the use of biodiesel by state agencies.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1242 was substituted for House Bill No. 1242 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1242 was read the second time.

Representative Sullivan moved the adoption of amendment (058):

On page 1, line 16, after "pumps;" strike "and"

On page 1, line 18, after "diesel" insert the following:

"(7) Biodiesel use in state-owned diesel-powered vehicles provides a means for the state to comply with the alternative fuel vehicle purchase requirements of the energy policy act of 1992, P.L. 102-486; and

(8) The state is in a position to set an example of large scale use of biodiesel in diesel-powered vehicles and equipment."

On page 2, line 9, after "lubricity" insert ", provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives"

Representatives Sullivan and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Crouse, Morris and Crouse (again) spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Mastin was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1242.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1242 and the bill passed the House by the following vote: Yeas - 86, Nays - 7, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Alexander, Anderson, Condotta, DeBolt, Delvin, McMahan and Mielke - 7.

Excused: Representatives Chandler, Edwards, Mastin, Pflug and Schoesler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1243, By Representatives Sullivan, Wood, Crouse, Morris and Schoesler**

**Establishing a biodiesel pilot project for school transportation.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1243 was substituted for House Bill No. 1243 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1243 was read the second time.

Representative Sullivan moved the adoption of amendment (057):

On page 1, line 16, after "pumps;" strike "and"

On page 1, line 18, after "diesel" insert the following:

"(7) Biodiesel use in state-owned diesel-powered vehicles provides a means for the state to comply with the alternative fuel vehicle purchase requirements of the energy policy act of 1992, P.L. 102-486; and

(8) The state is in a position to set an example of large scale use of biodiesel in diesel-powered vehicles and equipment."

On page 2, line 9, after "lubricity" insert ", provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives"

Representatives Sullivan, Wood, Crouse, Morris and Tom spoke in favor of the adoption of the amendment.

Representative Delvin spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1243.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1243 and the bill passed the House by the following vote: Yeas - 81, Nays - 12, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins,

Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Alexander, Anderson, Clements, Condotta, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, McMahan, Pearson and Roach - 12.

Excused: Representatives Chandler, Edwards, Mastin, Pflug and Schoesler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243, having received the necessary constitutional majority, was declared passed.

### MESSAGES FROM THE SENATE

March 11, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5049,  
SENATE BILL NO. 5075,  
SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5133,  
SUBSTITUTE SENATE BILL NO. 5148,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5410,  
SUBSTITUTE SENATE BILL NO. 5415,  
SUBSTITUTE SENATE BILL NO. 5435,  
SENATE BILL NO. 5491,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5628,  
SENATE BILL NO. 5705,  
SENATE BILL NO. 5747,  
SUBSTITUTE SENATE BILL NO. 5761,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,

and the same are herewith transmitted.

Milton H. Doumit, Secretary

March 11, 2003

Mr Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5237,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5349,  
SUBSTITUTE SENATE BILL NO. 5384,  
SENATE BILL NO. 5574,  
SUBSTITUTE SENATE BILL NO. 5616,  
SUBSTITUTE SENATE BILL NO. 5687,  
SUBSTITUTE SENATE BILL NO. 5690,  
SUBSTITUTE SENATE BILL NO. 5715,  
SUBSTITUTE SENATE BILL NO. 5793,

and the same are herewith transmitted.

Milton H. Doumit, Secretary

**HOUSE BILL NO. 1222, By Representatives Dickerson, Ruderman, Lovick, Romero, Schual-Berke, Hunt, Nixon, Wood, Conway, Simpson, Chase and Haigh**



**Requiring voting devices to be accessible to individuals with disabilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1222 was substituted for House Bill No. 1222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1222 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1222.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1222 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Chandler, Edwards, Pflug and Schoesler - 4.

SUBSTITUTE HOUSE BILL NO. 1222, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1245, By Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Eickmeyer, Quall and Mielke; by request of Commissioner of Public Lands**

**Establishing contract harvesting of timber on state trust lands.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1245 was substituted for House Bill No. 1245 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1245 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Sehlin spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Santos, Representative Flannigan was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1245.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1245 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1245, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1275, By Representatives Darneille, Pflug, Moeller, Cody, Romero, Wood and Upthegrove; by request of Department of Health**

**Transferring the human immunodeficiency virus insurance program to the department of health.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1275 was substituted for House Bill No. 1275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1275 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1275.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1275 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1275, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1292, By Representatives Rockefeller, Delvin, Grant, Moeller, Hankins, Hinkle, Mastin, Eickmeyer, Orcutt, Wallace, Fromhold, Haigh, Holmquist, McMahan and Woods; by request of Administrative Office of the Courts**

**Authorizing additional superior court judicial positions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1292.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1292 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representative Anderson - 1.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1292, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1298, By Representatives Sommers, Alexander, Fromhold, Conway and Benson**

**Vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1298 was substituted for House Bill No. 1298 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1298 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1298.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1298 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1298, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1409, By Representatives Upthegrove, Hunt and Clibborn**

**Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1409 was substituted for House Bill No. 1409 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1409 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1409.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1409 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1409, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1442, By Representatives Wood and Chandler**

**Revising provisions for sale of timeshares.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1442 was substituted for House Bill No. 1442 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1442 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1442.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1442 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1442, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4206, By Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove**

**Amending the Constitution to provide for vacancies that occur after the general election.**

The joint resolution was read the second time.

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

Representatives Hudgins and Nixon spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of House Joint Resolution No. 4206.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Resolution No. 4206 and the resolution was adopted by the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE JOINT RESOLUTION NO. 4206, having received the necessary constitutional two-thirds majority, was adopted.

**HOUSE BILL NO. 1473, By Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove**

**Specifying when vacancies in certain county offices may be filled.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1473.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1473 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1473, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1480, By Representatives Clibborn, Ericksen and Wallace; by request of Department of Transportation**

**Allowing sharing of condemnation appraisal information.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Simpson, Jarrett, Lantz, Benson and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1480.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1480 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1480, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Hatfield congratulated Representative Clibborn on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 1486, By Representatives O'Brien, Delvin, Cairnes, Lovick, Hankins, Simpson, Roach, Bush, Fromhold, Ericksen, McDonald, Woods, Cooper, Campbell, Anderson and Kenney**

**Exempting the surviving spouse and children of certain law enforcement officers or fire fighters from paying tuition and fees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1486 was substituted for House Bill No. 1486 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1486 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1486.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1486 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1486, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1510, By Representatives Haigh, Eickmeyer, Morris and Simpson**

#### **Modifying the prorationing of fire protection district property tax levies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Eickmeyer spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1510.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1510 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representative Jarrett - 1.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1591, By Representatives Gombosky, Cairnes and McIntire; by request of Department of Revenue**

#### **Modifying excise tax interest provisions.**



The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1591.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1591 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1591, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1605, By Representatives Ruderman, Anderson, Sullivan, Miloscia, Schual-Berke, Conway, O'Brien and Lovick**

### **Creating a statewide justice information network.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1605 was substituted for House Bill No. 1605 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1605 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman, Anderson and Bush spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1605.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1605 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1605, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1721, By Representatives Moeller, Boldt, Fromhold and Wallace**

**Concerning dentistry.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1721 was substituted for House Bill No. 1721 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1721 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1721.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1721 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1721, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1731, By Representatives Kenney, Cox and Chase; by request of Higher Education Coordinating Board**

**Changing provisions in the educational opportunity grant program.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1731 was substituted for House Bill No. 1731 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1731 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1731.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1731 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1731, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1738, By Representatives Haigh and Armstrong; by request of Office of Financial Management**

#### **Providing for recoupment of state employee salary and wage overpayments.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1738 was substituted for House Bill No. 1738 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1738 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1738.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1738 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1738, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1786, By Representatives Veloria and Santos**

**Modifying mobile home landlord-tenant provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the bill.

With the consent of the House, Speaker Chopp was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1786.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1786 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

HOUSE BILL NO. 1786, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1805, By Representatives O'Brien, Nixon, Kagi, Tom, Sommers and Clibborn**

**Changing the number of district court judges.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1805 was substituted for House Bill No. 1805 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1805 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1805.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1805 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods - 91.

Voting nay: Representative Anderson - 1.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

SUBSTITUTE HOUSE BILL NO. 1805, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1822, By Representatives Lantz, Delvin, O'Brien, Armstrong, Cairnes and Darneille**

#### **Changing the number of district court judicial positions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1822.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1822 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller,

Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 91.

Voting nay: Representative Anderson - 1.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

HOUSE BILL NO. 1822, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4010, By Representatives Haigh, Conway, Talcott, Bush, Sehlin, Bailey, O'Brien, Simpson, McCoy, Hatfield, Carrell, Woods, Rockefeller, Anderson, Blake, Eickmeyer, Wood, Linville, McMahan, Campbell, Wallace, Upthegrove, Kenney and McDonald; by request of Joint Select Committee on Veterans' and Military Affairs**

**Requesting that veterans receive concurrent retirement and disability payments.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4010.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4010 and the memorial passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

HOUSE JOINT MEMORIAL NO. 4010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1000, By Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon**

**Regulating the authority of metropolitan municipal corporations to acquire property.**

The bill was read the second time.

Representative Romero moved that Substitute House Bill No. 1000 be substituted for House Bill No. 1000 and that Substitute House Bill No. 1000 be placed on the second reading calendar.

Representative Romero spoke in favor of the motion.

Representative Nixon spoke against the motion.

The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1000 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1000.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1000 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

SUBSTITUTE HOUSE BILL NO. 1000, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1123, By Representatives Kenney, Cox, Fromhold, Jarrett, Berkey, Chase, Kessler, Wallace, Conway, Wood, Cody, McCoy and Upthegrove**

#### **Creating the state financial aid account.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1123 was substituted for House Bill No. 1123 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1123 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Cox and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1123.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1123 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug, Schoesler and Mr. Speaker - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 1123, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1742, By Representatives Rockefeller, Eickmeyer, McIntire, Lantz, Woods and Haigh**

**Including sports and recreation facilities in public facilities districts' authority.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1742 was substituted for House Bill No. 1742 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1742 was read the second time.

With the consent of the House, amendments (073, 080 and 089) were withdrawn.

Representative Condotta moved the adoption of amendment (090):

On page 1, line 11, after "include" insert "∴"

On page 1, line 11, after "facilities," insert "other than ski areas:"

On page 1, line 12, after "entertainment facilities" strike "∴" and insert "∴"

Representatives Condotta and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative McDonald moved the adoption of amendment (094):

On page 2, after line 11, insert the following:

"Sec. 2. RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are each reenacted and amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" includes sports and recreation facilities, entertainment facilities, and convention facilities. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions,



presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

**Sec. 3.** RCW 82.14.390 and 2002 c 363 s 4 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004, or with regard to a public facilities district located in a county with a population over one hundred fifty thousand that is contiguous to an international boundary, that commences such construction before January 1, 2005, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district created after July 1, 2003, but before June 30, 2005, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2006, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state

under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2003. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494."

Correct the title

Representatives McDonald and Morrell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1742.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1742 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Boldt and Mielke - 2.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1594, By Representatives Berkey, Haigh, Dunshee, Romero, Mielke, Benson, Ahern, Moeller, Wood, Alexander, Hinkle and Sullivan**

**Clarifying the role of a chief financial officer in a charter county.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Berkey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1594.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1594 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1594, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1593, By Representatives Berkey, Mielke, Dunshee, Haigh, Benson, Romero, Ahern, Moeller, Wood, Hinkle and Sullivan**

**Requiring the delivery of endorsements by recording officers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1593 was substituted for House Bill No. 1593 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1593 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berkey and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1593.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1593, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1420, By Representatives Quall, Schoesler, Eickmeyer, Sump, Grant, Kristiansen, Hunt, Blake, McDermott, Hatfield, Sehlin, Bailey and Linville**

**Allowing special districts to provide drainage ditches and tide gates.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1420.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1420 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1420, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1571, By Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements**

### **Enhancing enforcement of child support obligations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1571 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holmquist and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1571.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1571 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1597, By Representatives Mielke, Armstrong, Boldt, Orcutt, Wood, Woods, Kristiansen, Campbell, Hatfield, Sump and Schoesler**

### **Allowing holders of commercial drivers' licenses to delay a physical examination.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1597 was substituted for House Bill No. 1597 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1597 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1597.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1597 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representative Cooper - 1.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1597, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1604, By Representatives Cody, Edwards, Conway, Schual-Berke, Morrell, Moeller, Clibborn, Simpson, Wood and Campbell**

**Increasing the number of health care facilities that are prohibited from requiring employees to perform overtime work.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1604 was substituted for House Bill No. 1604 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1604 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1604.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1604 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1604, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1604.

JANEA HOLMQUIST, 13<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1604.

CARY CONDOTTA, 12<sup>th</sup> District

### **HOUSE BILL NO. 1654, By Representatives Schual-Berke and Benson**

#### **Borrowing money by domestic mutual insurers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1654.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1654 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1654, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1656, By Representatives Ruderman, Nixon, McIntire and Cairnes**

#### **Modifying fees for locating unclaimed property.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1656 was substituted for House Bill No. 1656 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1656 was read the second time.

Representative Ruderman moved the adoption of amendment (082):

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 63.29 RCW to read as follows:

The legislature intends to encourage private sector involvement in locating persons with an ownership interest in property paid or delivered to the department under this chapter. The department is authorized to make data available for this purpose consistent with the requirements of the public disclosure act, chapter 42.17 RCW, and RCW 63.29.380."

Renumber sections consecutively and correct the title.

Representatives Ruderman and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1656.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1656 and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Benson, Darneille, Dunshee, Hudgins and Hunt - 5.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1676, By Representatives Schual-Berke, Benson and Simpson; by request of Insurance Commissioner**

**Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1676 was substituted for House Bill No. 1676 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1676 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.



The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1676.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1676 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1676, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1712, By Representatives O'Brien, Mielke and Darneille; by request of Department of Community, Trade, and Economic Development**

#### **Revising provisions relating to registration of sex offenders and kidnapping offenders.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1712.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1712 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1712, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1723, By Representatives Carrell, Gombosky, Talcott, Cairnes and Roach**

**Exempting qualified historic property from the state property tax.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1723 was substituted for House Bill No. 1723 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1723 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1723.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1723 and the bill passed the House by the following vote: Yeas - 84, Nays - 9, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Chase, Darneille, Dickerson, Dunshee, Hudgins, Kirby, Murray, Simpson, and Sommers - 9.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1746, By Representatives Alexander, Conway, DeBolt, Chandler and Simpson**

**Requiring electrical contractors to be licensed before advertising.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1746.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1746 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1789, By Representatives Blake, Priest and Dunshee**

#### **Concerning capital budget project savings.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1789 was substituted for House Bill No. 1789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1789 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Priest and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1789.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1789 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 1710 was returned to the Rules Committee.

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

## INTRODUCTION & FIRST READING

HB 2217 by Representatives Sullivan and Grant

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5052 by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

AN ACT Relating to significant legislative rules; amending RCW 34.05.328; and creating a new section.

SSB 5168 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to interest on legal financial obligations; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

ESSB 5178 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon; by request of Lieutenant Governor)

AN ACT Relating to funding and expenditures for legislative trade hosting and mission activities; amending RCW 42.52.150; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Trade & Economic Development.

ESSB 5192 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Zarelli and Oke)

AN ACT Relating to Washington investments; amending RCW 43.33A.020; adding new sections to chapter 43.33A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5223 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Keiser, Parlette, Hargrove, Deccio and Kline)

AN ACT Relating to mental health advance directives; amending RCW 11.94.010 and 7.70.065; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 11.94 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 9A.60 RCW; adding a new chapter to Title 71 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 5225 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Zarelli and Esser)

AN ACT Relating to providing rent vouchers for low-income persons to pay for rent and security deposits; amending RCW 36.22.178; and creating a new section.

Referred to Committee on Local Government.

ESSB 5631 by Senate Committee on Judiciary (originally sponsored by Senators Thibaudeau, Kohl-Welles, Brandland, Kline, Hargrove, Fraser, McAuliffe, Keiser, B. Sheldon and Winsley)

AN ACT Relating to trafficking in persons; amending RCW 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515, 9.94A.515, and 9A.82.010; adding a new section to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SJM 8020 by Senators West, Oke, Hale, Zarelli, Esser, Swecker, Schmidt, Honeyford, Stevens, Deccio, Sheahan, Hewitt, Horn, Mulliken, Morton, Finkbeiner, McCaslin, Carlson, Parlette, Rossi, Johnson, Brandland, Roach and Benton

Requesting the United States Senate to approve Mr. Estrada.

Referred to Committee on Judiciary.

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

There being no objection, SUBSTITUTE SENATE BILL NO. 5225 was referred to the Committee on Local Government.

#### MOTION

Representative Holmquist moved that the rules be suspended, and that SENATE BILL NO. 5052 be placed on the Second Reading calendar.

Representative Holmquist spoke in favor of adoption of the motion.

Representative Kessler spoke against adoption of the motion.

Electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of the motion to suspend the rules and place Senate Bill No. 5052 on the Second Reading calendar.

#### ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and place Senate Bill No. 5052 on the Second Reading calendar, and the motion was not adopted by the following vote: Yeas - 43, Nays - 50, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero,

Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representatives Chandler, Edwards, Flannigan, Pflug and Schoesler - 5.

There being no objection, SENATE BILL NO. 5052 was referred to the Committee on State Government.

**MESSAGE FROM THE SENATE**

March 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1280, and the same is herewith transmitted.

Milton H. Doumit, Secretary

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

There being no objection, the House adjourned until 9:00 a.m., March 12, 2003, the 59<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

**JOURNAL OF THE HOUSE**

FIFTY EIGHTH DAY, MARCH 11, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**FIFTY NINTH DAY**

---

House Chamber, Olympia, Wednesday, March 12, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Whitmore and Kristin Hull. Prayer was offered by Reverend Melody Young, Westminister Presbyterian Church, Olympia.

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

**MESSAGES FROM THE SENATE**

March 11, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5011,  
SUBSTITUTE SENATE BILL NO. 5039,

SENATE BILL NO. 5065,  
ENGROSSED SENATE BILL NO. 5106,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,  
SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5218,  
SUBSTITUTE SENATE BILL NO. 5226,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
SUBSTITUTE SENATE BILL NO. 5305,  
SENATE BILL NO. 5464,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5561,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,  
SUBSTITUTE SENATE BILL NO. 5641,  
SENATE BILL NO. 5662,  
SUBSTITUTE SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5811,  
SENATE BILL NO. 5865,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

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

## SECOND READING

### HOUSE BILL NO. 1848, By Representatives Conway and Chandler

#### **Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1848 was substituted for House Bill No. 1848 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1848 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Chandler spoke in favor of passage of the bill.

## MOTIONS

On motion of Representative Clements, Representatives Pflug and Schoesler were excused. On motion of Representative Santos, Representatives Edwards, Fromhold, Kessler, McIntire, Quall and Upthegrove were excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1848.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1848 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug, Quall, Schoesler and Upthegrove - 8.

SUBSTITUTE HOUSE BILL NO. 1848, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1890, By Representatives Chandler, Linville, Holmquist, Eickmeyer, Schoesler and Grant**

**Increasing the apple commission from thirteen to fifteen members.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1890.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1890 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug, Quall and Upthegrove - 7.

HOUSE BILL NO. 1890, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1935, By Representatives Haigh, Ahern and Hatfield**

**Changing prerequisites for county auditors calling special elections.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Ahern spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1935.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1935 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug, Quall and Upthegrove - 7.

HOUSE BILL NO. 1935, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1993, By Representatives Cooper, Sump, Berkey and Hinkle**

**Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1993.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1993 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representative Bush - 1.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug and Upthegrove - 6.

HOUSE BILL NO. 1993, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2000, By Representatives Pettigrew, Dickerson, McCoy, Kenney and Santos**

**Changing provisions pertaining to third-party custody proceedings involving the Indian Child Welfare Act.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2000 was substituted for House Bill No. 2000 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2000 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2000.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2000 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug and Upthegrove - 6.

SUBSTITUTE HOUSE BILL NO. 2000, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4011, By Representatives Veloria, Skinner, Eickmeyer, Santos, Rockefeller, Chase, Linville, Upthegrove and Edwards**

**Requesting the state investment board to develop policies to invest more funds in Washington firms.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4011.

## ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4011 and the memorial passed the House by the following vote: Yeas - 63, Nays - 29, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Bailey, Berkey, Blake, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Veloria, Wallace, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Boldt, Buck, Bush, Condotta, Crouse, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schoesler, Sehlin, Sump, Talcott and Tom - 29.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug and Upthegrove - 6.

HOUSE JOINT MEMORIAL NO. 4011, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE JOINT MEMORIAL NO. 4011.

BRUCE CHANDLER, 15<sup>th</sup> District

**HOUSE BILL NO. 1846, By Representatives Schual-Berke, Benson, Chase, Bush, Simpson, Morrell and McIntire**

**Penalizing the fraudulent use of credit card scanning devices.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1846 was substituted for House Bill No. 1846 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1846 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1846.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1846 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Edwards, Fromhold, Kessler, McIntire, Pflug and Upthegrove - 6.

SUBSTITUTE HOUSE BILL NO. 1846, having received the necessary constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKER**

The Speaker signed: HOUSE BILL NO. 1280

### **SECOND READING**

**HOUSE BILL NO. 1575, By Representatives Conway, DeBolt, Cooper, Fromhold, Crouse, Orcutt, Hudgins, Campbell, Berkey and Kenney**

**Expanding membership of the electrical board by appointment of one outside line worker.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Conway spoke in favor of passage of the bill.

Representatives Chandler and Mielke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1575.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1575 and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Benson, Berkey, Blake, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Boldt, Buck, Bush, Chandler, Clements, Condotta, Cox, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 34.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1339, By Representatives Simpson, Benson and Schual-Berke; by request of Department of Financial Institutions**

**Regulating escrow agents and officers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1339 was substituted for House Bill No. 1339 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1339 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Benson and Schual-Berke spoke in favor of passage of the bill.

Representatives Roach and McMahan spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Mastin was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1339.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1339 and the bill passed the House by the following vote: Yeas - 68, Nays - 27, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 68.

Voting nay: Representatives Armstrong, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Shabro and Skinner - 27.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1339, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1428, By Representatives Wood, Conway, Cooper and Kenney**

##### **Revising provisions for electrical trainees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1428 was substituted for House Bill No. 1428 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1428 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

Representatives Chandler and McMahan spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1428 and the bill held its place on the Third Reading calendar.

**HOUSE BILL NO. 1460, By Representatives Pettigrew, Santos, Sullivan, Chase, Linville, Schual-Berke, Veloria, Rockefeller, Conway, Darneille, Wallace, Upthegrove, Kenney and McDermott**

**Creating a Washington state day of civil liberties remembrance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Skinner, Kenney, Woods, Rockefeller, Santos and Cairnes spoke in favor of passage of the bill.

Representative Pettigrew: "February 19<sup>th</sup>, 1942 President Franklin D. Roosevelt signed executive order 9066. That order sent 100,000 Americans with Japanese heritage to internment camps for five long years. These were Americans with families, who owned businesses, worked in factories. Their children went to public school, played little league baseball and took dance lessons at the community center. All that ended on that day in February. In my opinion, the order signed by President Roosevelt put a gash on the soul of this country. A wound that was so quickly struck but will take years to heal. In 1988 President Regan took a giant step towards healing that wound by signing a reparations bill for to surviving internees. And now we, this body, have a chance to continue the healing by passing this legislation. This bill will make February 19<sup>th</sup> a day of remembrance. It will not be a legal holiday, but a day for us to reflect. A chance for all of us to remember those American families who had their lives torn apart. A chance to remind ourselves of the devastation that can occur when you mix fear and ignorance. And a chance to look towards our future and make sure this never ever happens again to any American."

Representative Skinner: "Hawaian resident and state representative Barbara Moromoto is my friend. She was born in San Francisco California and after the Pearl Harbor attack, her family was temporarily relocated to a place called Tamforam Race Track. Her mother, American born, her father American born, her eight and half week old brother, American born, Barbara American born and her grandparents were all housed in a horse stall with very primitive quarters. They were there a very short period of time because her father was asked if he would be willing to teach Japanese language to military officers who were going into the field of intelligence. This man said he would be happy to serve his country as he claimed San Francisco California United States of America as his hometown and as his country. My friend who is a legislator and is my colleague appreciated the civil rights and the freedom that is offered in this country to its citizens. She celebrates this year 25 years as a representative. When I spoke to her she said to me 'do you know the background that I had made it a good opportunity for me to serve my country and to be a representative.' Mr. Speaker, I urge support of House Bill No. 1460 and I thank you for the opportunity to speak."

Representative Kenney: "I rise in support of House Bill No. 1460. I wish that every American appreciated how fortunate we are to live in a country that is a shining light of liberty for the entire world. But no one can fully appreciate American liberties unless they also understand how far we have come and how many tragedies we have overcome to achieve the liberties that we enjoy today. We can only protect our liberties by understanding what threatens them. There is no clearer way to grasps these threats then by remembering the tragedy and pain of Japanese internment. In World War II we fought for liberty abroad while we temporarily lost the liberty of many Americans at home. We owe it to the Japanese Americans who suffered. There are many sad stories that many of us have heard. But we also owe it to ourselves to remember that what happen so that we will never allow a similar tragedy again for we will have our liberties only as long as we protect them against racism, fear and ignorance. President Reagan once pointed out that the United States has the only national anthem in the world that ends with a question – 'Oh say does the star spangle banner yet wave over the land of the free and the home of the brave?' And this is a question that we must constantly ask ourselves; it is a question that we must constantly ask to guarantee that the answer remains yes, all the time. Setting aside a day for civil liberties remembrance will help us ensure that not only to ourselves but to our

children and their children and all the future generations of America will be able to say 'Yes, yes America is still the land of free and the home of the brave.' I urge your support for this bill."

Representative Woods: "I stand in support of this bill today. You know about 25 years ago I lived in the Mojave Desert not far from Manzanar which was the internment camp for many Japanese Americans during World War II. I remember going out there with my children when they were tiny and looking at what was left of the internment camp. Really it was desert, it was hot, it was windy with tumbleweeds blowing across what use to be the internment camp. All that is left today is maybe a few stone markers of what was housing, what was the gate, what was the fence that keep those Americans inside. Little did I know that years later I would live in a district that had Bainbridge Island in it. On Bainbridge Island in March of that year, 250 men, women and children were taken from the island in my district and actually many of them ended up in Manzanar California. I do want to say a word about some good things that happened during that time. The people of Bainbridge Island were very sad when this happened but they wanted to make sure that Japanese American people who were taken from the island and interned would be able to return to their land someday. The citizens of Bainbridge Island made sure that their land was taken care of, the *Bainbridge Island Review* actually had a reporter at the various different internment camps and would report back through the newspaper to the Island folks about the births, the marriages and the deaths of their citizens. They were always American citizens, they were always citizens of Bainbridge Island. So there were some good things that happened out of the sad things that were happening. Last year we had the opportunity to dedicate on the Wycoff site that place where 225 Bainbridge citizens had to leave that sad morning by Army escort - we dedicated that place in remembrance of those wonderful citizens. So I urge your support of this day of remembrance so that we never forget and that we teach our children in our schools and we take this day as set it aside for that teaching. I urge your support of this bill. Thank you for much."

Representative Rockefeller: "Thank you Mr. Speaker. As my good colleague from the 23<sup>rd</sup> District has just mentioned some 225 Japanese American citizens were in the vanguard of 110,000 citizens from the Western United States who were relocated. They came from Bainbridge Island which is my home. For some 25 years I had a neighbor whose name was Shaquko Kitamoto. Mrs. Kitamoto was one of the 225 individuals who was relocated together with her four very young children to Manzanar. She survived that experience and came back and resumed life to the best of her ability farming some rough stony land creating a magnificent raspberry farm next door to my home where my children learned from her how delicious raspberries were right off the vine. She taught us about fresh tofu, she taught us about koi, she taught them and me about the art of growing beautiful plants. She was a beloved neighbor. She past away some years ago. It was only a few years before her death, that I first learned of her personal experience and the tragedy that befell her and so many of our neighbors on Bainbridge Island. It was not something that she could talk about easily. Indeed, for many years Japanese Americans citizens were reluctant to disclose to the rest of the community what they had experienced. I had to sort of tease it out of her as I learned what she had been through. I learned another chapter of history in Washington State. I think it is important that we have a day of remembrance and that we recall and remember lest we forget how easy it is to trample the civil rights of our fellow citizens. They too were Americans citizens – they deserved the protection which was denied to them – they lost their freedom and in all to many cases they lost their personal possessions, their property, their dignity and their place within the community. A few of them were able to come and restart their lives and we are blest to have them in our community today. But I say this bill is needed, lest we forget. I am pleased to join with my colleagues in urging your support. Thank you."

Representative Santos: "Thank you Mr. Speaker. I am proud to stand in support of HB 1460, a little bill that would simply add a Civil Liberties Day of Remembrance to the eight state recognized days already in statute. The intent, Mr. Speaker, is to acknowledge the World War II evacuation, relocation, and internment of more than 120,000 Japanese Americans - two-thirds of whom were U. S. citizens by birth. Nearly 13,000 of the evacuees were from Washington State; from Asotin, Benton, Chelan, Clallam, Clark, Cowlitz, Franklin, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Spokane, Thurston, Wahkiakum, Whatcom, Whitman, and Yakima Counties. After reporting first to Camp Harmony, the assembly center set up at the State Fairgrounds in Puyallup, most of our evacuees were sent to hastily built

Relocation Centers in desolate, unpopulated areas: Minidoka in Idaho, Manzanar or Tule Lake in California, Heart Mountain in Wyoming.

Some 4500 Japanese Americans served in the now famed 100th Battallion, the 442nd Regimental Combat Team, and the Military Intelligence Service. Last year, two of our native sons - one from the 37th district in Seattle and one from the 42<sup>nd</sup> district in Bellingham - were posthumously awarded the Congressional Medal of Honor, our nation's highest military decoration. But, hundreds of Washington Nisei served with valor and distinction while their parents, wives, and children were incarcerated behind barbed wire.

This mass evacuation and internment effort was authorized by the President of the United States who, on February 19, 1942, issued Executive Order 9066. EO 9066 effectively ceded civilian life and lives to the control of the military, thus setting the stage for the most sweeping violations of our most deeply cherished Constitutional principles. This "failure of political leadership" - the abrogation of civil authority - was later found by a Congressional Commission to be a primary factor, along with "race prejudice" and "war hysteria," leading to this tragic episode in our American history.

I've distributed photographs of that era showing on one side the evacuated 225 Japanese from Bainbridge Island, the first in the nation to be incarcerated. One of the photographs on the other side shows a very hear wrenching photography of Mr. Ebaristo Arota, a Filipino saying goodbye to his wife Miki who was being interned and he was not allowed to accompany her. And they too were Bainbridge Island residents.

It is said that those who forget history are doomed to repeat it. That, Mr. Speaker, is why my previous seatmate, Representative Tokuda, created the Civil Liberties Public Education Fund, to teach students and the public about the lessons we've learned from this experience. And that is why, Mr. Speaker, my current seatmate has brought this legislation before us. I remind this body that the federal legislation that permitted this gross injustice is still on the books. The time to establish a Civil Liberties Day of Remembrance is now because the number of men and women with first-hand knowledge of these events are rapidly diminishing. Indeed, in the four years since I first offered comments on this floor, I have lost my grandmother and my mother . . . my only direct links to the Japanese American wartime experience. Let us not also lose the lesson of how vulnerable our deeply held ideals are in times of extraordinary challenge. Instead, let us remember that freedom, justice, and equality for all is our greatest birthright as Americans. Let us never forget it. For this reason, I urge this body to join me in setting aside the 19<sup>th</sup> day of February as a Civil Liberties Day of Remembrance. I ask you to support House Bill No. 1460."

Representative Cairnes: "I spent a good part of my adult life as a professional soldier. I took great pride in being an American fighting man, both then and now. I now often wonder in the peace and quiet of my home, with my wife, my children and my grandchildren around me, what was the Vietnam War actually all about. I always come to the same conclusion, it was about Freedom – Freedom from unlawful imprisonment, Freedom of speech, Freedom of religion and all the other freedoms that we too often take for granted. Basic civil liberties. Basic civil liberties – Human Rights – isn't that what most wars are about?

Human Rights were clearly the central issue for the Second World War. My Dad and my uncles as young men in their late teens and early twenties were in some of the toughest battles. Some were wounded, some were captured and some came through without a physical scratch. Combat is the most horrendous thing that can happen to a human being. I know the horrors of war first hand.

The 442<sup>nd</sup> Regimental Combat Team – the soldiers of these units were all Japanese-Americans. They were the most decorated unit of their size in American history. These were men, Americans, that were fighting, bleeding, dying, suffering, loving, caring and thinking of their families back home. Wishing for peace and justice. Peace and justice. Isn't that what we all wish for? Combat veterans have a common bond. We hurt to the depths of our souls for each other. There is no greater bond. The bond of fighting together, protecting each other saving each other. These great and brave warriors of the 442<sup>nd</sup> Regimental Combat Team were among the bravest of the brave. All the while they were involved in combat their wives, sons, mothers, daughters, fathers and uncles were wrongfully imprisoned behind barbed wire. Denied the basic human rights they were overseas fighting for. How can the human spirit be so strong? How can men fight a foreign enemy when their own country, the country they were fighting for imprisoned their families? How can men do that? What amazing dedication to a country, to an ideal, to America.



Thank you, Mr. Speaker."

The Speaker stated the question before the House to be the final passage of House Bill No. 1460.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1460 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1615, By Representatives Dunshee, Pearson, Lovick, Kristiansen, Berkey, Sullivan and Wood**

#### **Requiring vehicle sound system components to be securely attached.**

The bill was read the second time.

Representative Delvin moved the adoption of amendment (111):

On page 1, line 10, after "(2)" insert "All loose items contained within the vehicle capable of causing injury must be either contained within the vehicle's trunk, contained within an enclosed compartment within the vehicle, securely fastened to the vehicle, or secured to the vehicle by netting, ropes, or other means of constraining movement of the item.

(3)"

Representative Delvin spoke in favor of the adoption of the amendment.

Representative Lovick spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Delvin moved the adoption of amendment (115):

On page 1, line 11, strike all material beginning with "only" through "offense" on page 1, line 13, and insert "as a primary action".

Representative Delvin spoke in favor of the adoption of the amendment.

Representative Lovick spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lovick moved the adoption of amendment (060):

On page 1, after line 13, insert the following:

"NEW SECTION. Sec. 2. This act shall be known as the Courtney Amisson Act."

Correct the title.

Representatives Lovick and Pearson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Pearson, Lovick, Flannigan and Hatfield spoke in favor of passage of the bill.

Representatives Delvin, Benson, Schoesler, Cairnes and Roach spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1615.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1615 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Bailey, Berkey, Blake, Boldt, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Buck, Bush, Cairnes, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Mastin, McMahan, McMorris, Mielke, Roach, Schindler, Schoesler, Sump and Talcott - 23.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 1615, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 1615.

JOHN AHERN, 6<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1615.

MIKE CARRELL, 28<sup>th</sup> District

### **HOUSE BILL NO. 1801, By Representatives Moeller, Clements and Wood**

**Authorizing an alternative method of annexation by cities and towns based on utility service.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Clements spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1801.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1801 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Boldt, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, McDonald, McMahan, McMorris, Pearson, Schindler, Schoesler and Sump - 23.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1801, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on HOUSE BILL NO. 1801.

MIKE ARMSTRONG, 12<sup>th</sup> District

**HOUSE BILL NO. 1005, By Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan**

**Creating the joint task force on long-term energy supply.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1005 was substituted for House Bill No. 1005 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1005 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

### **MOTION**

On motion of Representative Clements, Representative Boldt was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1005.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1005 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1005, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1113, By Representatives Hinkle, Linville, Schoesler, Boldt and Mielke**

#### **Regarding irrigation district boards of joint control.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1113 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1113.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1113 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1126, By Representatives Schoesler and Linville**

**Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1126.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1126 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Carrell - 1.

Excused: Representatives Boldt, Edwards and Pflug - 3.

HOUSE BILL NO. 1126, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1173, By Representatives Veloria, Conway and Chase**

**Revising provisions for the office of the Washington state trade representative.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1173 was substituted for House Bill No. 1173 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1173 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1173.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1173 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1230, By Representatives Simpson, Benson, Schual-Berke, Conway, Cooper, Ruderman and Rockefeller; by request of Insurance Commissioner**

**Regulating insurable interests and employer-owned life and disability insurance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1230 was substituted for House Bill No. 1230 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1230 was read the second time.

Representative Simpson moved the adoption of amendment (108):

On page 4, line 22, after "(3)" strike all material through "no" and insert "No"

On page 4, beginning on line 32, strike all of subsection (4)

Representatives Simpson and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1230.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1230 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1251, By Representatives Eickmeyer, Schoesler, Linville, Sump, Quall, Rockefeller and Haigh; by request of Commissioner of Public Lands**

**Protecting forest land from exotic forest insects or diseases.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer and Schoesler spoke in favor of passage of the bill.

Representative Holmquist spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1251.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1251 and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Chandler, Clements, Condotta, Hinkle, Holmquist, Mastin, McMorris, Newhouse, Skinner, Sump and Talcott - 11.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1283, By Representatives Lovick, Pettigrew, O'Brien, Cooper, Simpson, Kagi, Moeller, Chase, Rockefeller, Lantz and Cairnes**

**Adjusting time requirements for vacation of convictions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1283 was substituted for House Bill No. 1283 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1283 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1283.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1283 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Bush, DeBolt, Mielke and Roach - 5.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1283, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1335, By Representatives Cooper, Sump, Berkey and Hudgins; by request of Parks and Recreation Commission**

**Continuing the development of water trail sites in Washington state.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1335.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1335 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Blake and Hatfield - 2.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1430, By Representatives Miloscia, Armstrong, Haigh and Benson**

**Requiring state agencies to prepare housing impact statements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Armstrong, Woods and Anderson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1430.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1430 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1493, By Representatives Campbell, Cody and Skinner**

**Clarifying the scope of practice of a dental hygienist.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1493 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1493.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1493 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1493, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1624, By Representatives Hudgins, Pettigrew, Crouse, Morris, Nixon, Linville and Sullivan; by request of Department of Social and Health Services**

**Modifying provisions of the Washington telephone assistance program.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1624 was substituted for House Bill No. 1624 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1624 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

### **COLLOQUY**

Representative Crouse: "Is it the intent that any portion of the state and federal reimbursement received by a telephone company for participating in the Washington Telephone Assistance Program, be subject to local taxes?"

Representative Hudgins: "No. This money supports a program to benefit people who cannot afford basic telephone service. It is very important to have telephone company participation. Historically, reimbursement paid under this program has not been subject to tax by local government. The intent is for this practice to continue."

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1624.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1624 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1624, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2218 by Representatives Alexander, Benson and McMahan

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.040.

Referred to Committee on State Government.

SB 5049 by Senators Roach, Eide, Winsley, Franklin, Rasmussen, Stevens, Schmidt, Haugen, Parlette, Carlson, Esser and Sheahan

AN ACT Relating to veterans' history awareness month; and adding a new section to chapter 73.04 RCW.

Referred to Committee on State Government.

SB 5075 by Senators Morton, Fraser, Oke and Doumit; by request of Commissioner of Public Lands

AN ACT Relating to authorization to accept gifts of aquatic land; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5105 by Senate Committee on Education (originally sponsored by Senators Fraser, B. Sheldon, Carlson, McAuliffe and Kohl-Welles)

AN ACT Relating to educational interpreters; and creating new sections.

Referred to Committee on Education.

SSB 5133 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen)

AN ACT Relating to the interstate compact for juveniles; adding new sections to chapter 13.24 RCW; repealing RCW 13.24.010 and 13.24.020; and providing a contingent effective date.

Referred to Committee on Juvenile Justice & Family Law.

SSB 5148 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice; by request of Insurance Commissioner)

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and amending RCW 48.02.065.

Referred to Committee on Financial Institutions & Insurance.

SSB 5237 by Senate Committee on Education (originally sponsored by Senators Deccio, Thibaudeau, Parlette, Keiser, Mulliken, Kohl-Welles, Stevens, Hale and Eide)

AN ACT Relating to regulating the catheterization of students; and amending RCW 28A.210.280.

Referred to Committee on Health Care.

SB 5307 by Senators Mulliken, Finkbeiner, Stevens, McCaslin, Hale and Esser

AN ACT Relating to permit timelines; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Local Government.

SSB 5335 by Senate Committee on Highways & Transportation (originally sponsored by Senators Zarelli, Haugen, Prentice, Mulliken, Benton, Oke and Carlson)

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

Referred to Committee on Transportation.

SB 5349 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Franklin

AN ACT Relating to drainage facilities; and amending RCW 85.38.180.

Referred to Committee on Agriculture & Natural Resources.

SSB 5384 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators West and Winsley)

AN ACT Relating to utility services and connection charges for certain mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Local Government.

SB 5410 by Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin

AN ACT Relating to public information about registered sex offenders; and amending RCW 4.24.550.

Referred to Committee on Criminal Justice & Corrections.

SSB 5415 by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Spanel, Kohl-Welles and Shin; by request of State Board for Community and Technical Colleges)

AN ACT Relating to exceptional faculty award grants; and amending RCW 28B.50.839.

Referred to Committee on Higher Education.

SSB 5435 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn and Benton)

AN ACT Relating to special license plates; amending RCW 46.16.233 and 46.16.314; adding new sections to chapter 46.16 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5491 by Senators Finkbeiner, Prentice, Jacobsen, Oke and Kohl-Welles

AN ACT Relating to signs on bus shelters; amending RCW 47.12.120 and 47.36.030; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

SSB 5509 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley)

AN ACT Relating to the organ donor registry; amending RCW 68.50.540; adding new sections to chapter 68.50 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5574 by Senators Finkbeiner, Poulsen and Reardon; by request of Attorney General

AN ACT Relating to district court jurisdiction over actions involving commercial electronic mail; and amending RCW 3.66.020 and 3.66.040.

Referred to Committee on Judiciary.

SSB 5616 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Reardon, Zarelli, Winsley, Keiser and Finkbeiner)

AN ACT Relating to insurer foreign investments; and amending RCW 48.13.180.

Referred to Committee on Financial Institutions & Insurance.

SSB 5628 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Esser, Kline and Kohl-Welles; by request of Sentencing Guidelines Commission)

AN ACT Relating to threshold property values for crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 5687 by Senate Committee on Commerce & Trade (originally sponsored by Senators Prentice, Honeyford, Shin and Rasmussen)

AN ACT Relating to exempting certain medical devices from electrical licensing requirements; and amending RCW 19.28.371.

Referred to Committee on Commerce & Labor.

SSB 5690 by Senate Committee on Ways & Means (originally sponsored by Senators Rossi and Fairley)

AN ACT Relating to the taxability of persons with limited connections to Washington; amending RCW 82.08.050 and 82.12.040; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5705 by Senators Winsley, Thibaudeau, Carlson, Fraser and Shin; by request of Department of Services for the Blind

AN ACT Relating to changing provisions on the department of services for the blind; amending RCW 74.18.010, 74.18.020, 74.18.050, 74.18.060, 74.18.070, 74.18.090, 74.18.110, 74.18.120, 74.18.130, 74.18.140, 74.18.150, 74.18.170, 74.18.180, 74.18.200, 74.18.210, and 74.18.230; adding new sections to chapter 74.18 RCW; and repealing RCW 74.18.160 and 74.18.250.

Referred to Committee on Children & Family Services.

SSB 5715 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley and Oke)

AN ACT Relating to the financial fraud alert act; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 30 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 5747 by Senators Schmidt, Finkbeiner, Poulsen, Esser, Stevens and Eide

AN ACT Relating to supervision of elections in charter counties; and amending RCW 36.16.030.

Referred to Committee on Local Government.

SSB 5761 by Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon and Shin)

AN ACT Relating to industrial projects of statewide significance; and amending RCW 43.157.010, 43.157.020, 43.157.030, 43.42.050, and 43.42.060.

Referred to Committee on Trade & Economic Development.

SSB 5793 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice)

AN ACT Relating to minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities; and amending RCW 48.23.440.

Referred to Committee on Financial Institutions & Insurance.

SSJM 8002 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Hewitt, Sheahan, Stevens, Parlette, Mulliken, Oke and Roach)

Requesting forest health-related management activities on all state and national forests in Washington state.

Referred to Committee on Agriculture & Natural Resources.

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

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

## **SECOND READING**

### **HOUSE BILL NO. 2043, By Representatives Kirby, Campbell and Carrell**

#### **Changing provisions relating to dangerous dogs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2043 was substituted for House Bill No. 2043 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2043 was read the second time.

Representative Campbell moved the adoption of amendment (095):

On page 3, after line 13, insert the following:

"**Sec. 3.** RCW 16.08.080 and 2002 c 244 s 2 are each amended to read as follows:

(1) Any city or county that has a notification and appeal procedure with regard to determining a dog within its jurisdiction to be dangerous may continue to utilize or amend its procedure. A city or county animal control authority that does not have a notification and appeal procedure in place as of June 13, 2002, and seeks to declare a dog within its jurisdiction, as defined in subsection (7) of this section, to be dangerous must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested.

(2) The notice must state: The statutory basis for the proposed action; the reasons the authority considers the animal dangerous; a statement that the dog is subject to registration and controls required by this chapter, including a recitation of the controls in subsection (6) of this section; and an explanation of the owner's rights and of the proper procedure for appealing a decision finding the dog dangerous.

(3) Prior to the authority issuing its final determination, the authority shall notify the owner in writing that he or she is entitled to an opportunity to meet with the authority, at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared dangerous. The notice shall state the date, time, and location of the meeting, which must occur prior to expiration of fifteen calendar days following delivery of the notice. The owner may propose an alternative meeting date and time, but such meeting must occur within the fifteen-day time period set forth in this section. After such meeting, the authority must issue its final determination, in the form of a written order, within fifteen calendar days. In the event the authority declares a dog to be dangerous, the order shall include a recital of the authority for the action, a brief concise statement of the facts that support the determination, and the signature of the person who made the determination. The order shall be sent by regular and certified mail, return receipt requested, or delivered in person to the owner at the owner's last address known to the authority.

(4) If the local jurisdiction has provided for an administrative appeal of the final determination, the owner must follow the appeal procedure set forth by that jurisdiction. If the local jurisdiction has not provided for an administrative appeal, the owner may appeal a municipal authority's final determination that the dog is dangerous to the municipal court, and may appeal a county animal control authority's or county sheriff's final determination that the dog is dangerous to the district court. The owner must make such appeal within twenty days of receiving the final determination. While the appeal is pending, the authority may order that the dog be confined or controlled in compliance with RCW 16.08.090. If the dog is determined to be dangerous, the owner must pay all costs of confinement and control.

(5) It is unlawful for an owner to have a dangerous dog in the state without a certificate of registration issued under this section. This section and RCW 16.08.090 and 16.08.100 shall not apply to police dogs as defined in RCW 4.24.410.

(6) Unless a city or county has a more restrictive code requirement, the animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

(a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

(b) A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least ~~((two hundred fifty))~~ one hundred thousand dollars, payable to any person injured by the dangerous dog; or

(c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least ~~((two hundred fifty))~~ one hundred thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

(7)(a)(i) If an owner has the dangerous dog in an incorporated area that is serviced by both a city and a county animal control authority, the owner shall obtain a certificate of registration from the city authority;

(ii) If an owner has the dangerous dog in an incorporated or unincorporated area served only by a county animal control authority, the owner shall obtain a certificate of registration from the county authority;

(iii) If an owner has the dangerous dog in an incorporated or unincorporated area that is not served by an animal control authority, the owner shall obtain a certificate of registration from the office of the local sheriff.

(b) This subsection does not apply if a city or county does not allow dangerous dogs within its jurisdiction.

(8) Cities and counties may charge an annual fee, in addition to regular dog licensing fees, to register dangerous dogs.

(9) Nothing in this section limits a local authority in placing additional restrictions upon owners of dangerous dogs. This section does not require a local authority to allow a dangerous dog within its jurisdiction."

Correct the title.

Representatives Campbell, Lantz and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Campbell and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2043.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2043 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,



Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Boldt, Edwards and Pflug - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1151, By Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Upthegrove**

**Regulating the keeping of dangerous wild animals.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

With the consent of the House, amendment 107 was withdrawn.

Representative Campbell moved the adoption of amendment (096):

On page 1, line 16, after "tigers," insert "captive-bred"

On page 3, line 32, after "title or" strike "animals" and insert "native wildlife"

Representatives Campbell, Lantz and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lovick moved the adoption of amendment (106):

On page 3, line 31, strike "and"

On page 3, line 33, after "RCW" insert the following:

"; and

(m) A person displaying animals at a fair approved by the department of agriculture pursuant to chapter 15.76 RCW or chapter 36.37 RCW"

Representatives Lovick and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of amendment (117):

On page 3, line 31, strike "and"

On page 3, line 33, after "Title 77 RCW" insert the following:

"; and

(m) A person's possession of an animal:

(i) That is a member of a threatened or endangered species; or

(ii) If survival of the animal is necessary for the preservation of the animal's gene pool"

Representatives Carrell spoke in favor of the adoption of the amendment.

Representative Campbell spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (118):

On page 7, beginning on line 9, strike "dangerous or potentially dangerous wild animal" and insert the following:

"lion, tiger, cougar, panther, jaguar, cheetah, leopard, bear, chimpanzee, or gorilla"

On page 7, line 11, strike "two hundred fifty" and insert "one hundred"

Representatives Campbell and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of amendment (110):

On page 10, beginning on line 14, after "(1)" strike all material through "humans" on line 22 and insert the following:

"On or after the effective date of this act, no city or county may adopt an ordinance governing dangerous or potentially dangerous wild animals that is more restrictive than this chapter, including, but not limited to, adding animals to the definition of potentially dangerous wild animals, creating additional caging standards, and creating stricter care and treatment provisions. Nothing in this subsection applies to ordinances adopted prior to the effective date of this act"

Representative Carrell spoke in favor of the adoption of the amendment.

Representatives Campbell and Moeller spoke against the adoption of the amendment.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Campbell and Lantz spoke in favor of passage of the bill.

Representatives Carrell, DeBolt, Carrell (again), Anderson and McMahan spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Mastin was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1151.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1151 and the bill passed the House by the following vote: Yeas - 60, Nays - 34, Absent - 0, Excused - 4.

Voting yea: Representatives Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke,

Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Crouse, DeBolt, Ericksen, Haigh, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Sehlin, Shabro, Skinner, Sump and Talcott - 34.

Excused: Representatives Boldt, Edwards, Mastin and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1519, By Representatives Wood, Fromhold, Simpson, Cooper, Schindler, Conway, Delvin, Hunt, Gombosky, Sullivan, Wallace, Santos and Kenney**

**Calculating the death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1519.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1519 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Pflug - 4.

HOUSE BILL NO. 1519, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1580, By Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew**

**Revising provisions of the personality rights act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1580.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1580 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Pflug - 4.

HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:00 a.m., March 13, 2003, the 60<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIFTY NINTH DAY, MARCH 12, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SIXTIETH DAY**

---

House Chamber, Olympia, Thursday, March 13, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Arras and Brittney Wong. Prayer was offered by Reverend Melody Young, Westminster Presbyterian Church, Olympia.

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

**MESSAGES FROM THE SENATE**

March 12, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5185,  
ENGROSSED SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5302,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5552,  
SENATE BILL NO. 5653,  
SENATE BILL NO. 5673,  
SUBSTITUTE SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5786,  
SUBSTITUTE SENATE BILL NO. 5824,  
SUBSTITUTE SENATE BILL NO. 5870,  
SENATE BILL NO. 5937,  
ENGROSSED SENATE BILL NO. 5953,  
SUBSTITUTE SENATE BILL NO. 5975,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 12, 2003

Mr. Speaker:

The President has signed HOUSE BILL NO. 1280, and the same is herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

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

**SECOND READING**

**HOUSE BILL NO. 1743, By Representatives Cooper, Upthegrove, Sump, Pearson and Anderson; by request of Department of Ecology**

**Addressing problems of hazardous waste facilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1743 was substituted for House Bill No. 1743 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1743 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Sump spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Clements, Representatives Boldt, Mastin and Pflug were excused. On motion of Representative Santos, Representatives Edwards, Linville, McIntire, Sullivan and Upthegrove were excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1743.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1743 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Excused: Representatives Boldt, Edwards, Linville, Mastin, McIntire, Pflug, Sullivan and Upthegrove - 8.

SUBSTITUTE HOUSE BILL NO. 1743, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1753, By Representatives Cody, Pflug, Skinner, Clibborn, Morrell, Benson and Edwards; by request of Department of Social and Health Services and Department of Health**

#### **Concerning nursing practices in community-based and in-home care.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1753.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1753 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Excused: Representatives Boldt, Edwards, Linville, Mastin, McIntire, Pflug, Sullivan and Upthegrove - 8.

HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1854, By Representatives Crouse, Sullivan, Delvin, Blake, Bush and Grant**

**Allowing operating agency members to purchase energy from the agency.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1854 was substituted for House Bill No. 1854 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1854 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1854.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1854 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Boldt, Edwards, Mastin, McIntire, Pflug, Sullivan and Upthegrove - 7.

SUBSTITUTE HOUSE BILL NO. 1854, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1717, By Representatives Cody and Campbell**

**Authorizing separate billing of tenants for water and wastewater services.**

The bill was read the second time.

With the consent of the House, amendment (113) was withdrawn.

Representative Cody moved the adoption of amendment (114):

On page 2, after line 24, insert the following:

"(4) If a landlord fails to comply with the requirements of this section, and the failure was not caused by the tenant, the tenant may terminate the rental agreement by written notice under RCW 59.18.090. In addition, a landlord who fails to comply with this section shall be liable to the tenant in a civil action for actual damages,

attorneys' fees, and a penalty of one hundred dollars. If the court determines that the landlord deliberately failed to comply with the requirements of this section, the court shall impose a penalty of two hundred dollars."

Representative Cody spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result of the division was 53 - YEAS; 42 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1717.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1717 and the bill passed the House by the following vote: Yeas - 53, Nays - 42, Absent - 0, Excused - 3.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 42.

Excused: Representatives Boldt, Edwards and Pflug - 3.

ENGROSSED HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1472, By Representatives Veloria, Skinner, Eickmeyer, McCoy, Miloscia, McDonald and Condotta**

#### **Managing clean and sober housing.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1472 was substituted for House Bill No. 1472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1472 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Veloria, Moeller and Skinner spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Clements, Representative McMorris was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1472.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472 and the bill passed the House by the following vote: Yeas - 87, Nays - 7, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Armstrong, Chandler, Condotta, Hinkle, Holmquist, Mielke and Newhouse - 7.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1472, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1390, By Representatives Moeller, Jarrett, Lovick, Fromhold, Veloria, Kessler, Pettigrew, Miloscia, McDermott, Dunshee, Upthegrove, DeBolt, Wallace, Wood, Sullivan, Schual-Berke, Kagi and Nixon**

#### **Authorizing instant runoff voting.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1390 was substituted for House Bill No. 1390 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1390 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller, Jarrett, Romero, Wallace, Morris, McDonald and Tom spoke in favor of passage of the bill.

Representatives Armstrong, Ahern and Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1390.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1390 and the bill passed the House by the following vote: Yeas - 64, Nays - 30, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Bailey, Berkey, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Buck, Bush, Cairnes, Carrell, Chandler, Condotta, Cox, Crouse, Darneille, Hinkle, Holmquist, Kirby, Kristiansen, McIntire, McMahan, Mielke, Murray, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Simpson, Sump and Talcott - 30.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1390, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1592, By Representatives Simpson and Ericksen**

#### **Regulating special license plates.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1592 was substituted for House Bill No. 1592 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1592 was read the second time.

Representative Erickson moved the adoption of amendment (127):

On page 11, after line 3, insert the following:

#### **"PART VI FUNDING**

NEW SECTION. **Sec. 601.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations."

Renumber the section and part following consecutively.

Representatives Ericksen and Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1592.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1592 and the bill passed the House by the following vote: Yeas - 86, Nays - 8, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille,

DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Armstrong, Buck, Chandler, Clements, Condotta, Hinkle, Holmquist and Newhouse - 8.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1081, By Representatives Hunter, Benson, Schual-Berke, Newhouse, Cooper, Roach and Simpson**

**Providing funds to deter, investigate, and prosecute real estate fraud crimes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1081 was substituted for House Bill No. 1081 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1081 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1081.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1081 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1081, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1093, By Representatives Hatfield, Hankins, Morris and Blake**

**Updating primary ballot rotation law.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1093 was substituted for House Bill No. 1093 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1093 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Armstrong spoke in favor of passage of the bill.

Representative Mielke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1093.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1093 and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Buck, Bush, Campbell, Chase, Clements, Clibborn, Cody, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, Miloscia, Moeller, Morris, Murray, Nixon, O'Brien, Orcutt, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Benson, Cairnes, Carrell, Chandler, Condotta, Conway, Crouse, Ericksen, Hunter, Kristiansen, McIntire, McMahan, Mielke, Morrell, Newhouse, Pearson, Roach, Schindler, Schual-Berke, Shabro, Simpson, Upthegrove and Wallace - 24.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1093, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1199, By Representatives Fromhold, Pflug, Simpson, Alexander, Cooper, Delvin, Conway, Bush, Anderson and Darneille; by request of Joint Committee on Pension Policy**

**Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1199.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1199 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1205, By Representatives Conway, Delvin, Simpson, Alexander, Cooper and Chase; by request of Joint Committee on Pension Policy**

**Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1205.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1205 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Kagi, Mielke and Sommers - 3.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

HOUSE BILL NO. 1205, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1219, By Representatives Schual-Berke, Benson, Anderson, Upthegrove, Rockefeller and Simpson; by request of Governor Locke**

**Addressing violations connected with the offer, sale, or purchase of securities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1219 was substituted for House Bill No. 1219 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1219 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Benson and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1219.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1219 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1219, having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

March 13, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,  
SUBSTITUTE SENATE BILL NO. 5022,  
SUBSTITUTE SENATE BILL NO. 5601,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5680,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,  
SENATE BILL NO. 5709,  
SUBSTITUTE SENATE BILL NO. 5737,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### **SECOND READING**

**HOUSE BILL NO. 1234, By Representatives Pettigrew, Veloria, McCoy, Conway and Chase**

**Establishing an industry cluster-based approach to economic development.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1234 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1234.

## **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1234 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, McMorris and Pflug - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1234, having received the necessary constitutional majority, was declared passed.

## **HOUSE BILL NO. 1250, By Representatives Eickmeyer, Schoesler, Linville, Sump, Quall and Mielke; by request of Commissioner of Public Lands**

### **Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer, Schoesler, Sehlin, Buck and Linville spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1250.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Carrell and McMahan - 2.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1346, By Representatives Lovick, Cairnes, Rockefeller, Campbell, Moeller, Clibborn, Cooper, Flannigan, Simpson, Kagi, Pettigrew and Chase**

**Changing provisions relating to vacation of records of conviction for pre-sentencing reform act felony offenses.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1346 was substituted for House Bill No. 1346 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1346 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1346.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1346 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.



SUBSTITUTE HOUSE BILL NO. 1346, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1470, By Representatives Cox, Haigh, Schoesler, Sump, Quall and Santos**

**Expanding "residency" for purposes of attending Washington public schools.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1470 was substituted for House Bill No. 1470 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1470 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and McDermott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1470.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1470 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1470, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1479, By Representatives Sullivan, Ericksen, Rockefeller, Miloscia and Woods; by request of Department of Transportation**

**Authorizing the ferry system to use alternative public works contracting procedures.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1479.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1479 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1479, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1531, By Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn, Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander**

### **Requiring the governor's signature on significant legislative rules.**

The bill was read the second time.

Representative Grant moved the adoption of amendment (123):

On page 1, line 16, after "(6)" strike "If the rule qualifies as a significant legislative rule of an agency that is under the authority of the governor, the signature of the governor" and insert "The signature of the governor if the rule is subject to the significant legislative rule process under RCW 34.05.328 and is adopted by the department of ecology, the department of labor and industries, the department of revenue, or the employment security department"

Representatives Grant, Haigh and Linville spoke in favor of the adoption of the amendment.

Representatives Holmquist, Alexander, Cairnes and Anderson spoke against the adoption of the amendment.

There being no objection, the House deferred action on HOUSE BILL NO. 1531, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1609, By Representatives O'Brien and Buck; by request of Sentencing Guidelines Commission**

### **Requiring a plan to establish pilot regional correctional facilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1609 was substituted for House Bill No. 1609 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1609 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Buck and Shabro spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1609.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1609 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1609, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1616, By Representatives Dunshee and Schual-Berke**

#### **Allowing intermediate licensees under parental supervision to carry nonfamily members.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 50<sup>th</sup> Day, March 3, 2003.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1616.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1616 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller,

Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Hankins, Hatfield, Morris and Sump - 4.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 1616, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1622, By Representatives Morrell, Pflug, Cody, Skinner and Clibborn; by request of Department of Social and Health Services**

**Clarifying the definition of "research."**

The bill was read the second time. There being no objection, Substitute House Bill No. 1622 was substituted for House Bill No. 1622 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1622 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1622.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1622 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1707, By Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson**

**Revising environmental review provisions to improve the development approval process and enhance economic development.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1707 was substituted for House Bill No. 1707 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1707 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jarrett and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1707.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1707 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1707, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1727, By Representatives O'Brien and Kirby**

**Providing that no fee may be charged for death certificates of sex offenders supplied to law enforcement agencies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1727.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1727 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1727, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1211, By Representatives Conway, Chandler, Kenney, Wood, Hudgins, Cooper, Veloria, Schual-Berke, Lovick, Kirby, Dickerson, Upthegrove, McDermott, Rockefeller, Morrell, Murray, Simpson, Darneille, Chase, Cody and Ruderman**

**Modifying accountability requirements under the public accountancy act.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1211 was substituted for House Bill No. 1211 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1211 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1211.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1211 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1211, having received the necessary constitutional majority, was declared passed.

There being no objection, the House resumed consideration of HOUSE BILL NO. 1531 on Second Reading.

**HOUSE BILL NO. 1531, By Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn,**

**Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander**

**Requiring the governor's signature on significant legislative rules.**

There being no objection, amendment (123) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Holmquist, Miloscia and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1531.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1531 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Cody, Dickerson, McDermott, Romero and Sommers - 5.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1531, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Morris to preside.

**HOUSE BILL NO. 1158, By Representatives Miloscia, Shabro, Hunt, Haigh, McDermott, Tom and Kenney; by request of Secretary of State**

**Enhancing voting systems certification.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1158 was substituted for House Bill No. 1158 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1158 was read the second time.

Representative Miloscia moved the adoption of amendment (124):

On page 5, line 24, after "correctly records" strike everything through "election." on line 27 and insert "on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election."

On page 6, beginning on line 22, with "a" strike everything through "election." on line 24 and insert "on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election."

On page 7, beginning on line 9, strike all of section 13

Renumber the remaining sections consecutively and correct the title.

Representatives Miloscia and Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Shabro spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1158.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1158 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1755, By Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell**

#### **Creating alternative means for annexation of unincorporated island of territory.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1755 was substituted for House Bill No. 1755 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1755 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1755.

### **ROLL CALL**



The Clerk called the roll on the final passage of Substitute House Bill No. 1755 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1820, By Representatives Pettigrew, Kagi, Santos and Kenney**

#### **Changing provisions concerning youth shelter notification to parents about runaway youth.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1820 was substituted for House Bill No. 1820 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1820 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1820.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1820 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Ahern, Benson, Crouse and Schindler - 4.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1820, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1840, By Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom**

**Authorizing nonprofit corporations to participate in self-insurance risk pools.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1840 was substituted for House Bill No. 1840 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1840 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1840.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1840 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1840, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1847, By Representatives Hunter, Benson, Schual-Berke, Kenney, Moeller, Bush, Darneille, Morrell and Rockefeller**

**Allowing merchants to require additional identification when conducting credit and debit card sales.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1847.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1847 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1847, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1852, By Representatives Schual-Berke, Conway, Cox, Cody, Kenney, Pflug, Clements, O'Brien, Chase, Morrell, Veloria and Skinner**

**Facilitating collaboration among health care work force stakeholders to address the health care personnel shortage.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1852 was substituted for House Bill No. 1852 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1852 was read the second time.

Representative Conway moved the adoption of amendment (134):

On page 2, line 13, after "December 31," strike "2004, and by December 31, 2006" and insert "2003, and annually thereafter"

Representatives Conway and Skinner spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1852.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1852 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1860, By Representatives O'Brien and Mielke; by request of Indeterminate Sentence Review Board**

**Revising procedures for hearings concerning violations by sex offenders of postrelease conditions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1860.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1860 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1860, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1887, By Representatives Linville, Sump, Cooper, Buck and Hatfield**

**Creating the commercial fisheries permit buyback account.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1887 was substituted for House Bill No. 1887 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1887 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1887.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1887 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1931, By Representatives Lantz, Hankins, Chase, Dunshee, Flannigan, Veloria and Haigh**

**Regarding the training of law enforcement officers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1931 was substituted for House Bill No. 1931 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1931 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, O'Brien, Lovick, Ahern and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1931.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1931 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1931, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1937, By Representatives Murray, Holmquist, Romero and Hankins**

**Excluding power wheelchairs from motor vehicle regulation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1937.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1937 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1937, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1952, By Representatives Hatfield, Blake and Cooper**

**Designating highways of statewide significance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1952.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1952 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1952, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1967, By Representatives Haigh, Miloscia and Hunt; by request of Department of General Administration**

**Allowing the state purchasing and material control director to receive electronic and web-based bids.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1967.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1967 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1971, By Representatives Dickerson, Kagi, Pettigrew, Miloscia, Fromhold, Darneille, Shabro, Orcutt, Bailey, Schual-Berke and Kenney**

**Establishing a deaf education task force.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1971 was substituted for House Bill No. 1971 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1971 was read the second time.

With the consent of the House, amendment (145) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Talcott and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1971.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1971 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Boldt and Chandler - 2.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1971, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1996, By Representatives Morrell, McDonald and Kagi**

**Clarifying the eligibility for local funds of building operation and maintenance costs of housing projects eligible to receive housing trust funds.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1996.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1996 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1996, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2021, By Representatives Wallace, Boldt, Moeller, Upthegrove and Kenney**

**Disclosing rebuilt vehicles in private sales.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2021 was substituted for House Bill No. 2021 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2021 was read the second time.

Representative Wallace moved the adoption of amendment (137):

On page 4, after line 6, insert the following:

"(10) For purposes of this section, "private party transaction" means a transaction in which a vehicle is being sold by the registered owner to a private buyer, and does not include any vehicle sale transactions executed by a licensed business."

Representative Wallace spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2021.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2021 and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos,

Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Armstrong, Chandler, Condotta, Crouse, McMahan, Mielke, Roach and Sump - 8.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2039, By Representatives Fromhold, Carrell, Pettigrew, Cairnes, Lantz, Moeller, Newhouse, Armstrong, Grant, Quall, Woods, Roach, Hankins, Morris, Ericksen, Crouse, Condotta, Talcott, Holmquist, McMahan, Clements, Bailey, Clibborn, Kessler, Campbell, Hunter, Chandler, Gombosky, Schoesler, Ruderman, Miloscia, Kirby, Hinkle and Kenney**

**Providing affirmative defenses for activities defined under RCW 4.16.300.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2039 was substituted for House Bill No. 2039 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2039 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2039.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2039 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2046, By Representatives Lantz, Kirby, O'Brien, Moeller and Santos**

**Providing for law enforcement powers for interfering with a dog guide or service animal.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2046 was substituted for House Bill No. 2046 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2046 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2046.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2046 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2046, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2075, By Representatives Romero, Cooper, Buck and Kenney**

#### **Studying recreational boating safety.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2075.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2075 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2075, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1438, By Representatives Sullivan, Jarrett, Upthegrove, Nixon, Schoesler, Crouse, Wood, Gombosky, Ruderman, Cooper, Linville, Rockefeller, Hudgins, McDermott and Wallace**

**Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1438 was substituted for House Bill No. 1438 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1438 was read the second time.

Representative Sullivan moved the adoption of amendment (135):

On page 2, after line 3, insert the following:

"**Sec. 3.** RCW 46.37.010 and 1997 c 241 s 14 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to neighborhood electric vehicles, motorcycles, or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is

held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee."

Renumber the sections following consecutively, correct any internal references accordingly, and correct the title.

Representatives Sullivan and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1438.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1438 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1438, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1455, By Representatives Santos, Kenney, Benson, Schual-Berke, Quall, O'Brien, Cooper, Berkey, Dunshee, Haigh, Morris, Sullivan, Skinner, Miloscia, Veloria, Delvin, Hatfield, Simpson and Wallace; by request of Department of Financial Institutions**

**Licensing and regulating money transmission and currency exchange.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1455 was substituted for House Bill No. 1455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1455 was read the second time.

Representative Newhouse moved the adoption of amendment (126):

On page 30, line 24, after "POWERS." strike all material through "act." on line 27

On page 30, line 28, after "this chapter" insert "which are clearly required"

Representatives Newhouse, Benson and DeBolt spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (126) to Substitute House Bill No. 1455.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (126) to Substitute House Bill No. 1455, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards and Pflug - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1455.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1455 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1882, By Representatives Grant, Delvin, Miloscia, Jarrett and Upthegrove**

**Modifying local improvement district provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1882.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1882 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 1882, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2006, By Representatives Schindler, Gombosky, Ahern, Sump, Wood, Jarrett, Crouse, Pearson, Clements, Ericksen and Moeller**

**Authorizing nuisance abatement powers of county governments.**

The bill was read the second time. There being no objection, SUBSTITUTE HOUSE BILL NO. 2006 was not substituted for House Bill No. 2006.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Romero spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2006.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2006 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2006, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2007, By Representatives Nixon, Ruderman, Bush, Dickerson and Hudgins**

**Prohibiting unsolicited commercial text messages.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2007 was substituted for House Bill No. 2007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2007 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2007.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2007 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2027, By Representatives Kirby, Delvin, Morris, DeBolt and Sullivan**

**Regulating the sale of cigarettes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2027 was substituted for House Bill No. 2027 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2027 was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2027.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2027 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2027, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1109, By Representatives Clibborn, Newhouse, Benson, Wallace and Haigh**

**Providing wildland fire fighting training.**

The bill was read the second time.

Representative Clibborn moved the adoption of amendment (146):

On page 2, line 25, after "state." insert "Fire fighter one training is a mandatory prerequisite for any individual fire fighter to participate in wildland training. Fire protection districts and city fire departments shall make fire fighter one training the primary training responsibility for fire fighters and wildland training the secondary responsibility."

Representatives Clibborn and Newhouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Newhouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1109.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1109 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 1109, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1977, By Representatives Grant, DeBolt, Orcutt and Roach**

#### **Clarifying use tax provisions.**

The bill was read the second time.

Representative Gombosky moved the adoption of amendment (105):

Beginning on page 14, line 17, strike all of section 18 and insert the following:

"**Sec. 18.** RCW 82.12.0251 and 1997 c 301 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use:

(1) Of any article of tangible personal property, and services that were rendered in respect to such property, brought into the state of Washington by a nonresident thereof for his or her use or enjoyment while temporarily within the state of Washington unless such property is used in conducting a nontransitory business activity within the state of Washington; ~~((or in respect to the use))~~

(2) By a nonresident of Washington of a motor vehicle or trailer which is registered or licensed under the laws of the state of his or her residence, and which is not required to be registered or licensed under the laws of Washington, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060, and services rendered outside the state of Washington in respect to such property; ~~((or in respect to the use))~~

(3) Of household goods, personal effects, and private motor vehicles, ((not including motor homes)) and services rendered in respect to such property, by a bona fide resident of Washington, or nonresident members of the armed forces who are stationed in Washington pursuant to military orders, if such articles and services were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ninety days prior to the time he or she entered Washington. For purposes of this subsection, private motor vehicles does not include motor homes.

(4) For purposes of this section, "state" means a state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, and "services" means services defined as retail sales in RCW 82.04.050(2)(a)."

On page 15, beginning on line 11, strike all of section 20 and insert the following:

"**NEW SECTION. Sec. 20.** The legislature finds that in the enactment of chapter 367, Laws of 2002, some use tax exemptions were not updated to reflect the change in taxability regarding services. It is the legislature's intent to correct this omission by amending the various use tax exemptions so that services exempt from the sales tax are also exempt from the use tax. Sections 1 through 19 of this act apply retroactively to June 1, 2002. The department of revenue shall refund any use taxes paid and forgive use taxes unpaid as a result of the omission."

Representative Gombosky spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky, McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1977.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1977 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Chase, Cody, Darneille, Dunshee, Hudgins, Kagi, Schual-Berke, Simpson, Sommers and Veloria - 10.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 1977, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2063, By Representatives Kristiansen, Blake, Linville, Schoesler, Hatfield, Eickmeyer and Orcutt**

#### **Extending the expiration date for reporting requirements on timber purchases.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kristiansen, Blake, Pearson, Armstrong and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2063.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2063 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2063, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Anderson congratulated Representative Kristiansen on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 2064, By Representatives Woods, Rockefeller, Bush, Lantz, Ahern, Hankins, Benson, Haigh, Sehlin, Morris, Bailey, Wood, Talcott, Ericksen, Edwards and Carrell**

**Studying methods of avoiding military base closure.**

The bill was read the second time.

Representative Woods moved the adoption of amendment (093):

On page 2, line 7, strike subsection (d).

Reletter the remaining subsections accordingly.

Representatives Woods and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Woods, Haigh and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2064.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2064 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 2064, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2067, By Representatives Schoesler and Cox**

**Permitting withdrawals of public ground waters.**

The bill was read the second time.

Representative Linville moved the adoption of amendment (138):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

After June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in section 2 of this act, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW to read as follows:

(1) On a pilot project basis, the use of water for domestic use in clustered residential developments is exempt as described in subsection (2) of this section from the permit requirements of RCW 90.44.050 in Whitman county. The department must review the use of water under this section and its impact on water resources in the county and report to the legislature by December 31st of each even-numbered year through 2016 regarding its review.

(2) For the pilot project, the domestic use of water for a clustered residential development is exempt from the permit requirements of RCW 90.44.050 for an amount of water that is not more than one thousand two hundred gallons a day per residence for a residential development that has an overall density equal to or less than one residence per ten acres.

(3) No new right to use water may be established for a clustered development under this section where the first residential use of water for the development begins after December 31, 2015."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2067.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2067 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED HOUSE BILL NO. 2067, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2073, By Representatives Schoesler, Romero and Cox**

#### **Disposing of local government records.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2073.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2073 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2073, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2076, By Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke**

#### **Requiring a statewide strategic plan for higher education.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2076 was substituted for House Bill No. 2076 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2076 was read the second time.

Representative Kenney moved the adoption of amendment (102):

On page 11, line 29, after "A" strike "joint select committee" and insert "legislative work group"

On page 11, line 31, after "The" strike "joint select committee" and insert "legislative work group"

On page 12, line 6, after "The" strike "joint select committee" and insert "legislative work group"

On page 12, line 17, after "The" strike "joint select committee" and insert "legislative work group"

On page 12, starting at the beginning of line 19, strike all material through "representatives" on line 22

On page 12, line 23, after "The" strike "joint select committee" and insert "legislative work group"

Representatives Kenney and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2076.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2088, By Representatives Schoesler, Chandler and Linville**

**Revising provisions relating to storm water rates and charges.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2088 was substituted for House Bill No. 2088 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2088 was read the second time.

Representative Schoesler moved the adoption of amendment (085):

On page 5, line 35, after "section" strike all material through "systems" on page 6, line 1

Representatives Schoesler and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler, Linville and Shabro spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2088.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2088 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1829, By Representatives Bailey, Sehlin, Talcott, Kristiansen, Clements, Tom, Pearson, McMahan, Benson, Woods and Pflug**

**Regulating postretirement employment in the public employees' retirement system and the teachers' retirement system.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1829 was substituted for House Bill No. 1829 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1829 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Bailey, Fromhold, Talcott, Sehlin and Hunt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1829.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1829 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1829, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Anderson congratulated Representative Bailey on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

The Speaker called upon Representative Morris to preside.

### **HOUSE BILL NO. 2090, By Representatives Clements, Sump and Orcutt**

#### **Prohibiting interference with search and rescue dogs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2090 was substituted for House Bill No. 2090 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2090 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2090.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2090 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2090, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2094, By Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern**

**Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2094 was substituted for House Bill No. 2094 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2094 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holmquist, Lovick and Holmquist (again) spoke in favor of passage of the bill.

Representative Hudgins spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2094.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2094 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Anderson, Chase, Dickerson, Dunshee, Flannigan, Hudgins, McDermott, Murray, Pettigrew, Quall, Simpson and Veloria - 12.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2094, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2100, By Representatives Romero, Veloria and Wallace; by request of Washington State Patrol**

**Adding an ex officio member to the building code council.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2100.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2100 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2100, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2111, By Representatives Priest, Jarrett and Cox**

**Authorizing performance contracts between the state and institutions of higher education.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2111 was substituted for House Bill No. 2111 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2111 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Priest, Kenney, Miloscia, Cox, Benson, McMahan and Kenney (again) spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2111.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2111 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2111, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Anderson congratulated Representative Priest on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### **HOUSE BILL NO. 2118, By Representatives Newhouse and Sullivan**

##### **Authorizing approved microbrewers to sell beer at farmers markets.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2118 was substituted for House Bill No. 2118 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2118 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Newhouse, Wood and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2118.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2118 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives McMahan and Wallace - 2.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2118, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2129, By Representatives Sommers, Haigh, Anderson, Hunter, Tom, McDermott, Talcott and Nixon**

**Requiring agency reports to the legislature to be submitted electronically.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2129.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2129 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2129, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2132, By Representatives Kenney, Schual-Berke, Santos and McDermott**

**Securing public building or construction contracts.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2132 was substituted for House Bill No. 2132 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2132 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2132.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2132 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Chandler - 1.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2132, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2179, By Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan**

**Clarifying district court provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2179 was substituted for House Bill No. 2179 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2179 was read the second time.

Representative Clibborn moved the adoption of amendment (125):

On page 3, line 26, after "salary" insert "and benefits"

On page 4, line 20, strike "Upon" and insert "Notwithstanding the provisions of RCW 3.38.030, upon"

On page 5, beginning on line 22, strike "~~chapter. A city may terminate a municipal department only at the end of a four-year judicial term. However,~~" and insert "~~chapter~~". A city may terminate a municipal department only at the end of a four-year judicial term(~~(-However,~~"

Representative Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2179.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2179 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2183, By Representatives Ericksen and Romero**

**Adjusting the amount allowed for unbid sewer and water projects.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Romero spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2183.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2183 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2183, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2202, By Representatives McDonald and Conway**

**Providing for cosmetology apprenticeships.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2202 was substituted for House Bill No. 2202 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2202 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald, Kenney and Roach spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2202.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2202 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Cooper and McIntire - 2.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 2202, having received the necessary constitutional majority, was declared passed.

### **HOUSE JOINT MEMORIAL NO. 4018, By Representatives Blake, Veloria and Kenney**

**Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Blake and Skinner spoke in favor of passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4018.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4018 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.



Excused: Representatives Edwards and Pflug - 2.

HOUSE JOINT MEMORIAL NO. 4018, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1431, By Representatives McDermott, McMahan, Hunt, Kenney, Haigh, Rockefeller, Simpson, Alexander, Cody, Berkey and Linville; by request of Secretary of State**

**Changing the primary to June.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1431 was substituted for House Bill No. 1431 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1431 was read the second time.

Representative Hunt moved the adoption of amendment (128):

On page 28, after line 11, insert the following:

"NEW SECTION. Sec. 31. Prior to the 2004 and 2005 primary elections, the secretary of state and county auditors shall notify the public of the change in the date of the primary and the new date of the primary. The change in the date of the primary and the new date shall be clearly and prominently displayed on all appropriate election materials, including sample ballots, voters' pamphlets, election notifications, absentee ballot envelopes, websites, poll site instructions, and candidate filing forms. The secretary of state and county auditors shall make a reasonable effort to provide notice of the new date of the primary in multiple languages."

Renumber the remaining section consecutively and correct the title.

Representative Hunt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Armstrong and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1431.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1431 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Darneille, Hinkle and Kirby - 3.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1466, By Representatives Quall, Tom, Haigh, Talcott, McDermott, Anderson, Linville, Rockefeller, Ericksen, Upthegrove, Jarrett, Dunshee, Nixon, Kessler, Ruderman, Eickmeyer, Cox, Lovick, Hunt, Grant, Woods, Wallace, Pflug, Kenney and Fromhold**

**Promoting natural science, wildlife, and environmental education.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1466 was substituted for House Bill No. 1466 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1466 was read the second time.

Representative Pearson moved the adoption of amendment (142):

On page 2, line 26, after "wildlife," insert "forestry, agriculture, mining, fishing,"

On page 2, line 31, after "forestry," insert "mining, fishing,"

On page 2, line 35, after "requirements" insert ", include information on the historical importance to the state's economy of efforts to develop, use, reuse, and conserve natural resources in each of the areas covered by the grant program,"

On page 3, line 1, after "forestry," insert "mining, fishing,"

On page 3, line 5, after "forestry," insert "mining, fishing,"

On page 3, line 10, after "forestry," insert "mining, fishing,"

On page 3, line 22, after "forestry," insert "mining, fishing,"

Representatives Pearson spoke in favor of the adoption of the amendment.

Representative Quall spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hatfield moved the adoption of amendment (084):

On page 2, line 28, after "requirements" insert ", and includes but is not limited to instruction about renewable resources, responsible use of resources, and conservation"

Representatives Hatfield and Tom spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Tom spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1466.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1466 and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Condotta, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Orcutt, Pearson, Schindler, Schoesler and Sump - 19.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13c was suspended.

**HOUSE BILL NO. 1532, By Representatives Quall, Cox, Schual-Berke, Kenney, Pflug, McDermott, Simpson, Hunt, Rockefeller and Kagi**

**Prohibiting smoking in publicly owned residence halls at public institutions of higher education.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1532 was substituted for House Bill No. 1532 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1532 was read the second time.

Representative Carrell moved the adoption of amendment (139):

On page 2, line 35, after "act." insert "The board shall submit the proposed rule to the appropriate committees of the senate and house of representatives ninety days prior to its adoption, for legislative review and comment."

Representatives Carrell spoke in favor of the adoption of the amendment.

Representative Quall spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (139) to Substitute House Bill No. 1532.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (139) to Substitute House Bill No. 1532, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 55, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 41.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 55.

Excused: Representatives Edwards and Pflug - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Darneille spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1532.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1532 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Armstrong, Buck, Clements, Condotta, Crouse, Delvin, Hinkle, Holmquist, Kirby, Mielke, Newhouse and Schindler - 12.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1532, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1702, By Representatives Hatfield, Mielke, Romero, Armstrong, Cooper, Blake, Boldt, Orcutt, Santos, McCoy, Alexander, Schoesler, Chandler, Grant, Schindler and Condotta**

### **Recovering costs for motorist information signs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1702 was substituted for House Bill No. 1702 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1702 was read the second time.

Representative Schindler moved the adoption of amendment (147):

On page 1, line 6, before "The" strike "(1)"

On page 1, line 9, after "business" strike ", including fruit and vegetable stands."

On page 2, beginning on line 22, strike all of subsection (2)

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mielke moved the adoption of amendment (087):

On page 2, line 19, after "panels." insert "The department may contract with a private entity to do work related to the replacement and maintenance of the motorist information sign panels."

On page 2, after line 27, insert the following:

"**Sec. 2.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) The authorization to contract out for services as provided for in RCW 47.36.310 is exempt from this section."

Renumber the remaining section consecutively and correct the title.

Representatives Mielke, Ericksen and Armstrong spoke in favor of the adoption of the amendment.

Representatives Cooper and Murray spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (087) to Substitute House Bill No. 1702.

## **ROLL CALL**

The Clerk called the roll on the adoption of amendment (087) to Substitute House Bill No. 1702, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 52, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Gombosky, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Excused: Representatives Edwards and Pflug - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield, Ericksen and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1702.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1702 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1702, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2045, By Representatives Haigh, Armstrong and Miloscia**

#### **Establishing a work group to evaluate creating a centralized identification number system.**

The bill was read the second time.

There being no objection, the House deferred action on HOUSE BILL NO. 2045, and the bill held its place on the Second Reading calendar.

### **HOUSE BILL NO. 2113, By Representatives Morrell, Cox, Kenney, Fromhold, Jarrett, Chase, Priest, McCoy and Buck**

#### **Regarding refunds of federal financial aid to students who withdraw from institutions of higher education.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Cox spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2113.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2113 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2113, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2122, By Representatives Schual-Berke, Benson, Cody, Campbell and Kenney**

**Simplifying administrative procedures for state-purchased health care programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2122.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2122 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

HOUSE BILL NO. 2122, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2124, By Representatives Quall, Talcott, McDermott, Tom, Haigh, Cox, Rockefeller, Hunter, Santos, Edwards and Anderson**

**Regarding high school graduation requirements.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2124 was substituted for House Bill No. 2124 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2124 was read the second time.

Representative Clements moved the adoption of amendment (159):

On page 2, line 3, after "standards." insert the following  
"The office of the superintendent of public instruction shall fund the provision and scoring of any assessment, alternative means, or appeal included in the high school assessment system. School districts may not be charged for any costs associated with the provision or scoring of these items. School districts are responsible for any personnel costs associated with the on-site administration of the assessments, alternative means, and appeals."

Representatives Clements, Cox and Clements (again) spoke in favor of the adoption of the amendment.

Representative Quall spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott and McDermott spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2124.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2124 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Benson, Bush, Campbell, Clements, Condotta, Crouse, Hinkle, Holmquist, Nixon, Schindler and Skinner - 12.

Excused: Representatives Edwards and Pflug - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2124, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2219 by Representatives Sullivan and Chase

AN ACT Relating to preventing animal cruelty; adding new sections to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5011 by Senators Jacobsen, Winsley and Kohl-Welles



AN ACT Relating to promoting wildlife viewing; adding a new section to chapter 77.12 RCW; creating a new section; and making an appropriation.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 5039 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Thibaudeau and Kohl-Welles)

AN ACT Relating to hepatitis C; amending RCW 49.60.172 and 49.60.174; adding a new section to chapter 70.54 RCW; and providing an expiration date.

Referred to Committee on Health Care.

SB 5065 by Senator Swecker

AN ACT Relating to obtaining a geologist license; amending RCW 18.220.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESB 5106 by Senators Hewitt, Hale, T. Sheldon, Doumit, Sheahan, Rasmussen, Morton, Mulliken, Honeyford, Deccio and Parlette

AN ACT Relating to water rights; and amending RCW 90.03.380.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5142 by Senate Committee on Education (originally sponsored by Senators Carlson, Eide, Schmidt, Johnson, B. Sheldon, Shin, Kohl-Welles, Rasmussen and Esser)

AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned; amending RCW 28A.225.225 and 28A.225.270; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SB 5153 by Senators Benton and Zarelli

AN ACT Relating to establishing a procedure for the election of county commissioners by district; amending RCW 36.32.050; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Local Government.

SSB 5218 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Schmidt, Fairley, Stevens, Reardon, Horn, Benton, Keiser, Johnson, Kohl-Welles, Kline and Esser; by request of Secretary of State)

AN ACT Relating to the timely mailing of absentee and mail ballots; amending RCW 29.36.270, 29.38.010, and 29.38.020; and creating a new section.

Referred to Committee on State Government.

SSB 5226 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hale, Deccio, Thibaudeau, Keiser, Oke and Franklin)

AN ACT Relating to optometric care and practice; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health Care.

ESSB 5229 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn, B. Sheldon, Zarelli, Poulsen, Jacobsen, Mulliken, Hargrove, Roach, Rossi, Stevens, T. Sheldon and West)

AN ACT Relating to a motorcycle skills education program for three-wheeled motorcycles; amending RCW 46.20.500, 46.20.505, 46.20.515, 46.81A.010, and 46.81A.020; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5269 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Schmidt and Winsley)

AN ACT Relating to the creation of a statewide first responder building mapping information system; reenacting and amending RCW 42.17.310; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on State Government.

SSB 5305 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon, Sheahan, Reardon and Esser)

AN ACT Relating to the availability of construction aggregates used in transportation and construction projects; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SB 5464 by Senators Finkbeiner, Fairley, Esser, Reardon, Schmidt, Doumit, West, Rossi and T. Sheldon

AN ACT Relating to local government business and occupation tax on intellectual property; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5536 by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

AN ACT Relating to condominiums; amending RCW 64.34.100, 64.34.216, 64.34.308, 64.34.410, 64.34.425, 64.34.445, 64.34.450, and 64.34.452; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5561 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senator Prentice)

AN ACT Relating to restrictions on assignments under Article 9A of the uniform commercial code; amending RCW 62A.9A-406 and 62A.9A-408; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5586 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline)

AN ACT Relating to granting authority to address concerns with lead-based paint activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 5641 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice and Winsley; by request of Insurance Commissioner)

AN ACT Relating to civil and criminal penalties for the unlawful transaction of insurance or health coverage; amending RCW 48.01.080, 48.15.020, 48.17.060, 48.44.015, 48.44.060, 48.46.027, and 48.46.420; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 48.15 RCW; adding new sections to chapter 48.17 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 5662 by Senators Hale, T. Sheldon and Schmidt

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.030 and 43.160.035.

Referred to Committee on Trade & Economic Development.

SSB 5748 by Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn, Spanel, Jacobsen, Swecker, Benton, Hale, Kohl-Welles, Oke, Rasmussen, Esser, Schmidt and Shin)

AN ACT Relating to transportation-related performance audits; amending RCW 44.28.088; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new chapter to Title 44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5811 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and McAuliffe)

AN ACT Relating to the involvement of the birth family in foster care; amending RCW 13.34.260; and creating a new section.

Referred to Committee on Children & Family Services.

SB 5865 by Senators B. Sheldon and Oke

AN ACT Relating to recreation facilities; and amending RCW 36.100.030.

Referred to Committee on Trade & Economic Development.

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

## REPORTS OF STANDING COMMITTEES

March 12, 2003

HB 1777 Prime Sponsor, Representative Morrell: Implementing the collective bargaining agreement between the home care quality authority and individual home care providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Alexander; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Buck; Clements; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 13, 2003

SSB 5044 Prime Sponsor, Senate Committee On Government Operations & Elections: Giving notice of the termination of a tenancy. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Placed on Second Reading.

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

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

There being no objection, the Committee on Finance was relieved of further consideration of HOUSE BILL NO. 2146, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Transportation was relieved of further consideration of HOUSE JOINT MEMORIAL NO. 4014, and the memorial was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 10:00 a.m., March 14, 2003, the 61<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker  
CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTIETH DAY, MARCH 13, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

## SIXTY FIRST DAY

---

House Chamber, Olympia, Friday, March 14, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jacob Furst and Chelsea Bourdess. Prayer was offered by Reverend Melody Young, Westminster Presbyterian Church, Olympia.

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

### MESSAGE FROM THE SENATE

March 13, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5023,  
SUBSTITUTE SENATE BILL NO. 5025,  
SECOND SUBSTITUTE SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5028,  
SENATE BILL NO. 5034,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5086,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,  
SUBSTITUTE SENATE BILL NO. 5248,  
SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5434,  
SUBSTITUTE SENATE BILL NO. 5521,  
SUBSTITUTE SENATE BILL NO. 5540,  
SUBSTITUTE SENATE BILL NO. 5563,  
SUBSTITUTE SENATE BILL NO. 5602,  
SENATE BILL NO. 5646,  
SENATE BILL NO. 5654,  
SUBSTITUTE SENATE BILL NO. 5716,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,  
SUBSTITUTE SENATE BILL NO. 5719,  
SENATE BILL NO. 5769,  
SUBSTITUTE SENATE BILL NO. 5780,  
SUBSTITUTE SENATE BILL NO. 5803,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,  
SUBSTITUTE SENATE BILL NO. 5995,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### SECOND READING

**HOUSE BILL NO. 2172, By Representatives Sullivan, Morris, Benson, Rockefeller, Wood and Hudgins**

**Promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2172 was substituted for House Bill No. 2172 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2172 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Crouse, Morris, DeBolt, Linville, Carrell and Cox spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Clements, Representatives Pflug and Mastin were excused. On motion of Representative Santos, Representatives Edwards and McIntire were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2172.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2172 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McIntire and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 2172, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2186, By Representatives Fromhold, Armstrong and Sommers**

**Making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2186.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2186 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McIntire and Pflug - 4.

HOUSE BILL NO. 2186, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2199, By Representative Morris**

#### **Concerning telecommunications.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2199.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2199 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

HOUSE BILL NO. 2199, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4021, By Representatives Wallace, Crouse, Morris, Condotta, Lovick, Kessler, Darneille, Berkey, Hatfield, Hudgins, Moeller and Blake**

**Requesting that the Bonneville Power Administration not raise rates.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Wallace, Crouse, Morris, Mielke and Ericksen spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4021.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4021 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

HOUSE JOINT MEMORIAL NO. 4021, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Linville to preside.

**HOUSE BILL NO. 1041, By Representatives Lantz, Kagi, Conway, Chase, Kirby, Dickerson, Kenney, Campbell, Talcott, Skinner and Jarrett**

**Authorizing mental health advance directives.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1041 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on Substitute House Bill No. 1041, and the bill held its place on the Third Reading calendar.

**HOUSE BILL NO. 1129, By Representatives Sommers, Haigh, Armstrong, McDermott, Benson, Wallace, Veloria, Hunt, Kenney, Schual-Berke, Fromhold, Wood, Rockefeller, Cody and O'Brien**

**Allowing public officials to provide information on the impact of ballot propositions.**



The bill was read the second time. There being no objection, Substitute House Bill No. 1129 was substituted for House Bill No. 1129 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1129 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1129.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1129 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Ahern, Benson, Cooper and Simpson - 4.

Excused: Representatives Mastin and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1129, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1133, By Representatives Carrell, Cairnes, Kristiansen, Hinkle, McMahan and Mielke**

**Requiring county assessors to submit an annual property tax report to the department of revenue.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Gombosky spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of House Bill No. 1133.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Mastin and Pflug - 2.

HOUSE BILL NO. 1133, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1164, By Representatives Kessler, Pflug, Ruderman, Alexander, Cody, Moeller, Campbell, Clibborn, Morrell, Armstrong, Clements, Delvin, McDonald, Berkey, Haigh, Kenney, Hankins, Conway, Rockefeller, Simpson, Chase and McMahan**

**Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1164 was substituted for House Bill No. 1164 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1164 was read the second time.

With the consent of the House, amendment (054) was withdrawn.

Representative Kessler moved the adoption of amendment (122):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.53.010 and 1989 c 36 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs ~~((topically applied to the eye))~~, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(c) The prescription and provision of visual therapy, therapeutic aids, and other optical devices ~~((and the treatment with topically applied drugs by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section))~~; and

(d) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; and

(e) The adaptation of prosthetic eyes.

(2)(a) Those persons using topical drugs for diagnostic purposes in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, ~~((and for therapeutic purposes, an additional minimum of seventy five hours of didactic and clinical instruction))~~ as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic ~~((and therapeutic))~~ purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of seventy-five hours of

didactic and clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of sixteen hours of didactic and eight hours of supervised clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(3) The board shall establish a ((schedule)) list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the board.

(4) The board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the board of pharmacy. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. No optometrist may use, prescribe, dispense, or administer oral corticosteroids.

(a) The board, with the approval of and in consultation with the board of pharmacy, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not:

(i) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist.

(c) If treatment exceeding the limitation in (b)(i) of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

(5) The board shall develop a means of identification and verification of optometrists certified to use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section.

(6) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance. The provisions of this subsection must be strictly construed.

(7) With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

(8) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

**Sec. 2.** RCW 18.53.140 and 1991 c 3 s 138 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any license issued by the secretary; or

(2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

- (3) To alter with fraudulent intent in any material regard such license; or
- (4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or
- (5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or
- (6) To practice optometry in this state either for him or herself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the secretary of health; or
- (7) To in any manner barter or give away as premiums either on his or her own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or
- (8) To use drugs in the practice of optometry, except ~~((those topically applied for diagnostic or therapeutic purposes))~~ as authorized under RCW 18.53.010; or
- (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or
- (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or
- (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or
- (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or
- (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or
- (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time.

**Sec. 3.** RCW 69.41.030 and 1996 c 178 s 17 are each amended to read as follows:

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the department of social and health services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

**Sec. 4.** RCW 69.50.101 and 1998 c 222 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

- (1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the state board of pharmacy.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or board rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Immediate precursor" means a substance:

(1) that the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(p) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(q) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(t) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(u) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(v) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(w) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(x) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(y) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(z) "Secretary" means the secretary of health or the secretary's designee.

(aa) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(bb) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(cc) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a Schedule III-V controlled substance between an authorized practitioner and a pharmacy or the transfer of prescription information for a controlled substance from one pharmacy to another pharmacy.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Kessler and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Campbell, Schual-Berke, Bailey and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1164.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1164 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Pflug - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1164, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1271, By Representatives Anderson, Morris and Wood**

#### **Enhancing interoperability of emergency communications.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1271 was substituted for House Bill No. 1271 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1271 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Morris and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1271.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Pflug - 1.

SUBSTITUTE HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business and immediately resumed consideration of SUBSTITUTE HOUSE BILL NO. 1041 on Third Reading.

### **THIRD READING**

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1041.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Boldt - 1.

Excused: Representative Pflug - 1.



SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

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

## SECOND READING

### MOTION

On motion of Representative Santos, Representative Edwards was excused.

### **HOUSE BILL NO. 1278, By Representatives Conway, Cairnes, Kirby and Bush**

#### **Listing property for tax purposes.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1278 was substituted for House Bill No. 1278 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1278 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1278.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1278 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Pflug - 2.

SUBSTITUTE HOUSE BILL NO. 1278, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 14, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1977, and the same is herewith transmitted.

Milt H. Doumit, Secretary

## SECOND READING

**HOUSE BILL NO. 1787, By Representatives Pettigrew, Boldt, Moeller, Miloscia, Jarrett, Priest, Dickerson and Santos**

### **Establishing a 211 network.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1787 was substituted for House Bill No. 1787 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1787 was read the second time.

Representative Pettigrew moved the adoption of amendment (131):

On page 1, line 8, strike "disaster-related"

On page 1, line 8, after "information" insert "about access to services after a natural or non-natural disaster"

On page 2, line 6, strike "disaster-related"

On page 2, line 6, after "information" insert "about access to services after a natural or non-natural disaster"

Representative Pettigrew spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Kagi moved the adoption of amendment (178):

On page 2, line 23, strike "establishing" and insert "a state agency or department that provides health and human services establishes"

On page 2, line 23, after "hotline," strike "a" and insert "the"

On page 2, line 24, strike "that provides health and human services"

On page 2, line 25, after "provide" insert "public"

On page 2, line 26, strike "for the public"

On page 2, line 26, strike "to be made available"

On page 2, line 27, strike "an approved" and insert "a"

On page 2, line 28, after "provider" insert "approved by WIN 211"

On page 3, beginning on line 9, strike "revenue from the sources established by this act, appropriations" and insert "any funding for this purpose appropriated"

On page 3, beginning on line 17, strike "and other legislative appropriations"

Representative Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Boldt and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1787.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1787 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Armstrong, Buck, Carrell, Chandler, Condotta, Cox, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Schoesler and Talcott - 15.

Excused: Representatives Edwards and Pflug - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1495, By Representatives Hudgins, Chandler, Conway and Kenney; by request of Liquor Control Board**

**Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1495 was substituted for House Bill No. 1495 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1495 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Chandler spoke in favor of passage of the bill.

### **MOTION**

On motion of Representative Clements, Representative Mastin was excused.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1495.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1495 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1495, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1524, By Representatives Schindler, Romero, Crouse, Mielke, Cox, O'Brien, Benson, Berkey, Ericksen, Jarrett, Ahern and Rockefeller**

**Restricting utility assessments and charges for certain mobile home parks.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1524 was substituted for House Bill No. 1524 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1524 was read the second time.

Representative Schindler moved the adoption of amendment (140):

On page 1, at the beginning of line 14, delete "connection" and insert "sewer availability"

Representatives Schindler and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Romero spoke in favor of passage of the bill.

With the consent of the House, Representative McMorris was excused.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1524.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1524 and the bill passed the House by the following vote: Yeas - 87, Nays - 7, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman,

Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Clibborn, Hunter, Kagi, Kirby, Moeller, Schual-Berke and Upthegrove - 7.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1608, By Representatives Upthegrove, Schindler, Berkey, Mielke, Tom, Ericksen, Romero, Jarrett, Edwards, Linville and Anderson**

**Concerning the accommodation of housing and employment growth under local comprehensive plans.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1608 was substituted for House Bill No. 1608 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1608 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1608.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1608 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1608, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1634, By Representatives Conway, Chandler, Kenney, Berkey, Wood, Holmquist, Crouse, Tom, Edwards and Rockefeller**

**Changing the residential property seller disclosure statement.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1634 was substituted for House Bill No. 1634 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1634 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Chandler and Tom spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1634.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1634 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1634, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1655, By Representatives Clibborn, Ericksen, Murray, Cooper, Morrell, Simpson, Armstrong, Rockefeller, Jarrett, Schindler, Mielke, Anderson, Wallace, Nixon, Shabro and Schual-Berke**

**Providing for determination of disability for special parking privileges by advanced registered nurse practitioners.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1655 was substituted for House Bill No. 1655 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1655 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1655 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1655, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1660, By Representatives McDermott, Armstrong and Dickerson**

**Increasing accountability of ballot measure petitions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1660 was substituted for House Bill No. 1660 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1660 was read the second time.

Representative McDermott moved the adoption of amendment (109):

On page 3, beginning on line 1, strike all material on lines 1 and 2 and insert the following:

"Signature

Print Name

Print Street Address

Print City, State, Zip Code "

On page 4, beginning on line 18, strike all material on lines 18 and 19 and insert the following:

"Signature

Print Name

Print Street Address

Print City, State, Zip Code "

On page 6, beginning on line 1, strike all material on lines 1 and 2 and insert the following:

"Signature

Print Name

Print Street Address

Print City, State, Zip Code "

Representative McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Armstrong spoke in favor of passage of the bill.

Representative Cairnes spoke against the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1660.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1660 and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Bush, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 67.

Voting nay: Representatives Anderson, Boldt, Buck, Cairnes, Campbell, Carrell, Condotta, Cox, Delvin, Dunshee, Ericksen, Hinkle, Kristiansen, McDonald, McMahan, Mielke, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Roach, Schoesler, Shabro, Sump, Talcott and Woods - 27.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1670, By Representatives McDermott, Armstrong, Sommers, Haigh, Kessler, Nixon, Hatfield, Wood, Hunt, Tom, Wallace and Shabro**

**Adjusting the definition of "election cycle."**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives McDermott and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of House Bill No. 1670.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1670 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

HOUSE BILL NO. 1670, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1724, By Representatives Cody, Dickerson, Pflug, Skinner, Hunt, Alexander and Kenney; by request of Department of Services for the Blind**

**Conforming the department of services for the blind provisions with federal law.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1724 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1724.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1724 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1784, By Representatives Darneille, Upthegrove, Chase, Linville, Wallace, Kagi, Kessler, Kenney, Schual-Berke, Wood, Dickerson, Santos, Simpson and Morrell**

**Improving coordination of services for children's mental health.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1784 was substituted for House Bill No. 1784 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1784 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Darneille spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1784.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1784 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1788, By Representatives Miloscia, Armstrong and Haigh**

**Regulating job order contracting for public works.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1788 was substituted for House Bill No. 1788 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1788 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1788.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1788 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1788, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1813, By Representatives Miloscia, Boldt, Linville, Edwards, Romero, Cody, McDermott, Haigh, Hunt, Moeller, Ruderman, Santos, Rockefeller, Simpson, Conway, Wood and Kenney**

### **Expanding employment opportunities for people with disabilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1813 was substituted for House Bill No. 1813 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1813 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1813.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1813 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1824, By Representatives Pettigrew, Miloscia, Kagi, Darneille and Schual-Berke**

**Requiring development of criteria for research-based treatment programs for juveniles.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1824 was substituted for House Bill No. 1824 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1824 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1824.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1824 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1826, By Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson and Conway**

**Including trafficking in persons in the criminal profiteering law.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1826 was substituted for House Bill No. 1826 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1826 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1826.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1826 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1826, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1843, By Representatives Benson, Schual-Berke, Moeller, Bush, Simpson, Mielke and Rockefeller**

#### **Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1843 was substituted for House Bill No. 1843 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1843 was read the second time.

Representative Benson moved the adoption of amendment (185):

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 46.20.0921 and 1990 c 210 s 3 are each amended to read as follows:

(1) It is a misdemeanor for any person:

~~((1))~~ (a) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;

~~((2))~~ (b) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

~~((3))~~ (c) To display or represent as one's own any driver's license or identicard not issued to him or her;

~~((4))~~ (d) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

~~((5))~~ (e) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

~~((6))~~ (f) To permit any unlawful use of a driver's license or identicard issued to him or her.

(2) It is a class C felony for any person to sell or deliver a stolen driver's license or identicard.

(3) It is unlawful for any person to manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, or to manufacture, sell, or deliver a blank driver's license or identicard except under the direction of the department. A violation of this subsection is:

(a) a class C felony if committed (i) for financial gain or (ii) with intent to commit forgery, theft or identity theft; or

(b) a gross misdemeanor if the conduct does not violate subsection (3)(a) of this section.

(4) Notwithstanding subsection (3) of this section, it is a misdemeanor for any person under the age of twenty one to manufacture or deliver fewer than four forged, fictitious, counterfeit or fraudulently altered driver's licenses or identicards for the sole purpose of misrepresenting a person's age.

(5) In a proceeding under subsection (2), (3) or (4) of this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality. "

Representative Benson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1843.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1843 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1849, By Representatives Bailey, Cody, Pflug, Morris, Skinner, McDonald, Ruderman, Pearson, Ahern, Schindler, Kagi, Kristiansen, Morrell, Orcutt, Darneille, Benson, Wood, Pettigrew, Newhouse, Clements, O'Brien, Linville, Moeller, Chase, Tom, Alexander, Talcott, Rockefeller, Woods and Anderson**

**Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1849 was substituted for House Bill No. 1849 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1849 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bailey and Cody spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1849.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1849, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1855, By Representatives Dickerson, Campbell, McDermott and Skinner**

#### **Clarifying licensed independent clinical social worker education and experience requirements.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1855 was substituted for House Bill No. 1855 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1855 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1855.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1855 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1855, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1858, By Representatives Morris, McIntire, Gombosky, Cairnes, Roach and Shabro**

**Regarding taxation of persons providing chemical dependency services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of House Bill No. 1858.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1858 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, McMorris and Pflug - 4.

HOUSE BILL NO. 1858, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1872, By Representatives Blake, Veloria, Chase, Santos and Hatfield**

**Providing for linked deposit loans for assistive technology.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1872 was substituted for House Bill No. 1872 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1872 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Blake and Benson spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1872.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1872 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1872, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1909, By Representatives Jarrett, Kenney, Cox, Fromhold, Chase, Berkey, Pearson, McCoy, Gombosky, Lantz, Clements, Talcott, Buck, Rockefeller, Pflug, Moeller, Priest, Edwards and Santos**

#### **Creating a pilot project for competency-based transfer in higher education.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1909 was substituted for House Bill No. 1909 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1909 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1909, and the bill held its place on Third Reading.

**HOUSE BILL NO. 1913, By Representatives Darneille, Mastin, Schual-Berke, Campbell, Cody, Moeller, Grant, Edwards and Santos**

**Granting authority to the department of community, trade, and economic development to address concerns with lead-based paint activities.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1913 was substituted for House Bill No. 1913 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1913 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Sump spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1913.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1913 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1913, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1943, By Representatives McIntire, Delvin, Conway, Gombosky, Armstrong, Clements, Edwards and Kenney**

### **Modifying cigarette regulatory provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1943 was substituted for House Bill No. 1943 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1943 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1943.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1943 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1943, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1973, By Representatives Veloria, McCoy and Kenney**

**Promoting tourism.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1973 was substituted for House Bill No. 1973 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1973 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Veloria spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1973.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1973 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1973, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2001, By Representatives Murray, Skinner and Hudgins**

**Providing property tax exemptions for nonprofit organizations supporting artists.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Skinner and Benson spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of House Bill No. 2001.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2001 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorrison, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Boldt, McMahan and Mielke - 3.

Excused: Representatives Edwards, Mastin and Pflug - 3.

HOUSE BILL NO. 2001, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2196, By Representatives Sommers and Fromhold; by request of Office of Financial Management**

#### **Revising and reporting on state agency allotments.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2196 was substituted for House Bill No. 2196 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2196 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2196.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2196 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorrison, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 2196, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4404, By Representatives McDermott, Tom, Quall, Talcott and Hunt**

**Creating a joint select committee to examine the K-12 governance structure.**

The concurrent resolution was read the second time.

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

Representatives McDermott, Tom and Santos spoke in favor of adoption of the concurrent resolution.

The Speaker (Representative Linville presiding) stated the question before the House to be the final adoption of House Concurrent Resolution No. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4404 was declared adopted.

There being no objection, the House advanced to the seventh order of business and immediately resumed consideration of SUBSTITUTE HOUSE BILL NO. 1909 on Third Reading.

**THIRD READING**

Representatives Jarrett and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1909.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1909 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Pflug - 3.

SUBSTITUTE HOUSE BILL NO. 1909, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Linville presiding) called upon Representative Lovick to preside.

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

**SECOND READING**

**HOUSE BILL NO. 1483, By Representatives Lantz and Campbell**

**Allowing judicial members on the board of industrial insurance appeals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1483.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1483 and the bill passed the House by the following vote: Yeas - 56, Nays - 39, Absent - 0, Excused - 3.

Voting yea: Representatives Benson, Berkey, Blake, Boldt, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 39.

Excused: Representatives Edwards, Mastin and Pflug - 3.

HOUSE BILL NO. 1483, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1506, By Representatives O'Brien, Romero, Hunt, Lovick, Haigh, Conway, Armstrong, Jarrett, Lantz, Linville, Schual-Berke, Sullivan, Kenney and McDermott**

#### **Penalizing assault on state employees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1506 was substituted for House Bill No. 1506 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1506 was read the second time.

Representative O'Brien moved the adoption of amendment (186):

On page 2, line 26, after "(i)" insert "(I)"

On page 2, line 28, after "assault" strike all material through "dementia" on line 31 and insert "(II) This subsection (1)(i) does not apply if:

(A) The state employee's duties included care for persons with mental disabilities, including developmental disabilities or mental illness, organic brain syndromes, neurological disorders, traumatic brain injuries, and dementia; and

(B) The person committing the assault was being cared for as part of the state employee's duties or is being cared for in a facility or program where the state employee is employed"

Representatives O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Clements moved the adoption of amendment (187):

On page 2, line 26, after "(i)" strike "Assaults" and insert "(I) If the person is not a state employee, assaults"

On page 2, line 31, after "dementia" insert ". (II) If the person is a state employee, assaults another state employee"

Representatives Clements and Benson spoke in favor of the adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pearson moved the adoption of amendment (065):

On page 2, line 31, after "dementia" insert ". For purposes of this subsection, "state employee" includes persons working for the state under contract"

Representative Pearson spoke in favor of the adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Darneille and Wallace spoke in favor of passage of the bill.

Representatives Ahern, Clements, Bush and Campbell spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Mielke was excused.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 1506 and it held its place on Third Reading.

#### **HOUSE BILL NO. 1576, By Representatives Campbell, Kirby, Newhouse and Moeller**

**Revising provisions relating to dismissal of citations for failure to provide proof of insurance.**

The bill was read the second time.

Representative Chandler moved the adoption of amendment (163):

On page 2, line 26, after "dismissal." insert "In any event, if a person cited for a violation of subsection (1) of this section submits to a violations bureau within three business days of the date the person was cited, either in person or by mail, written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed, and the court and or violations bureau may not assess any court administrative costs at the time of dismissal, unless the person has previously had a citation for a violation of subsection (1) of this section dismissed, in which case the court or violations bureau may assess court administrative costs of twenty-five dollars at the time of dismissal."

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Campbell spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1576.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1576 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Cairnes, Chandler, Crouse, Hinkle, Holmquist, Hudgins, McDermott, Orcutt, Pettigrew and Schindler - 10.

Excused: Representatives Edwards, Mastin, Mielke and Pflug - 4.

HOUSE BILL NO. 1576, having received the necessary constitutional majority, was declared passed.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding) instructed the Chamber on the proper decorum of members citing House Rule 17(G): "While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum."

**HOUSE BILL NO. 1631, By Representatives McCoy, Cooper, Conway, Romero, Lovick, Simpson and Kenney**

**Regulating fire protection sprinkler system contractors.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1631.



## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1631 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Alexander, Armstrong, Boldt and McMahan - 4.

Excused: Representatives Edwards, Mastin, Mielke and Pflug - 4.

HOUSE BILL NO. 1631, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1972, By Representative Hatfield**

#### **Making a commercial fish seller's failure to account for commercial harvest a misdemeanor.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1972.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1972 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mastin, Mielke and Pflug - 4.

HOUSE BILL NO. 1972, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2114, By Representatives Kagi and Dickerson**

#### **Providing for funding of programs for family preservation and intervention services.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2114 was substituted for House Bill No. 2114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2114 was read the second time.

Representative Kagi moved the adoption of amendment (099):

On page 2, line 33, after "(5)" strike all material through "force" on page 3, line 2 and insert "Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and RCW 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives"

Representative Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

Representative Boldt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2114.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2114 and the bill passed the House by the following vote: Yeas - 65, Nays - 29, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Bailey, Benson, Berkey, Blake, Buck, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Alexander, Anderson, Armstrong, Boldt, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Newhouse, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehnlin, Skinner, Sump and Talcott - 29.

Excused: Representatives Edwards, Mastin, Mielke and Pflug - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1734, By Representatives Romero, Hinkle, Moeller, Delvin, Grant, Jarrett and Flannigan; by request of Department of Community, Trade, and Economic Development**

**Updating the state building code.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1734 was substituted for House Bill No. 1734 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1734 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Schindler and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1734.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1734 and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Gombosky, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Campbell, Chase, Conway, Eickmeyer, Grant, Haigh, Hudgins, Kenney, Kessler, Kirby, Simpson and Veloria - 12.

Excused: Representatives Edwards, Mastin, Mielke and Pflug - 4.

SUBSTITUTE HOUSE BILL NO. 1734, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2220 by Representative Ericksen

AN ACT Relating to a special snowmobile license plate; amending RCW 46.10.075, 46.16.313, 46.16.233, and 46.16.316; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2221 by Representatives Morris and Rockefeller

AN ACT Relating to ferry construction; adding new sections to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4024 by Representatives Morris, Conway, McCoy, Blake, Linville, Kenney and Hudgins

Requesting a suspension of further strategic petroleum reserve deposits.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5012 By Senate Committee on Education (originally sponsored by Senators Johnson, Finkbeiner, Esser and Oke)

AN ACT Relating to charter schools; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Education.

SSB 5022 by Senate Committee on Land Use & Planning (originally sponsored by Senators Parlette, Haugen, Zarelli, Hale, Stevens, Mulliken and T. Sheldon)

AN ACT Relating to comprehensive plan amendment procedures; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

SSB 5185 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Mulliken and Stevens)

AN ACT Relating to open public meetings; and amending RCW 42.30.040, 42.30.060, and 42.30.070.

Referred to Committee on State Government.

ESB 5210 by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon, Parlette and Stevens

AN ACT Relating to electrician certification; and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

SSB 5302 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford and Keiser; by request of Liquor Control Board)

AN ACT Relating to the summary suspension of a liquor license pending revocation proceedings; and amending RCW 66.08.150.

Referred to Committee on Commerce & Labor.

ESSB 5378 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Hewitt, T. Sheldon, Mulliken, Rasmussen and Hale)

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5552 by Senators Sheahan, Rasmussen, Swecker, Hale and Shin

AN ACT Relating to the state agricultural commodity commissions; and amending RCW 15.66.030, 15.66.140, and 15.66.185.

Referred to Committee on Agriculture & Natural Resources.

SSB 5601 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Deccio)

AN ACT Relating to physicians providing care at community clinics; and amending RCW 4.24.300.

Referred to Committee on Judiciary.

SB 5653 by Senators Sheahan and Brown

AN ACT Relating to residency for purposes of attending Washington public schools; and amending RCW 28A.225.170.

Referred to Committee on Education.

SB 5673 by Senators Brandland, Benton, Stevens, Hargrove, Honeyford, Haugen, Mulliken and Winsley

AN ACT Relating to nonliability for a formerly confined person's acts subsequent to release; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Judiciary.

ESSB 5680 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

AN ACT Relating to development regulations review by counties with low population densities; and amending RCW 36.70A.130.

Held on 1<sup>st</sup> Reading.

ESSB 5697 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Hale, Mulliken, Rasmussen, Parlette, Swecker, Oke, Deccio, Sheahan, Stevens, Honeyford and Morton)

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010, 49.46.010, and 49.46.020; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5709 by Senators Deccio, Thibaudeau, Franklin, Winsley and Shin; by request of Department of Social and Health Services and Department of Health

AN ACT Relating to nursing practices in community-based and in-home care; amending RCW 18.79.040, 18.79.260, 18.88A.140, 18.88A.200, 18.88A.210, 18.88A.230, 70.127.010, 70.127.040, 70.127.120, 70.127.170, 69.41.010, and 69.41.085; and declaring an emergency.

Referred to Committee on Health Care.

SSB 5718 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Prentice, Roach, Fairley, Kastama, Fraser, Keiser, Kline, Shin, Kohl-Welles, Thibaudeau, Regala, B. Sheldon, Reardon, Brown, Hargrove, Franklin, Spanel, McAuliffe, Jacobsen, Haugen, Rasmussen, Doumit and Schmidt)

AN ACT Relating to exempting bank account, social security, and credit card numbers from public disclosure; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SSB 5737 by Senate Committee on Ways & Means (originally sponsored by Senators Benton and Prentice)

AN ACT Relating to reporting abandoned property; and amending RCW 63.29.170 and 63.29.180.

Referred to Committee on Finance.

SSB 5786 by Senate Committee on Land Use & Planning (originally sponsored by Senators T. Sheldon and Mulliken)

AN ACT Relating to rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SSB 5824 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Parlette and Horn)

AN ACT Relating to allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district; and adding a new section to chapter 52.12 RCW.

Referred to Committee on Local Government.

SSB 5870 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Regala, Parlette, McAuliffe, Rasmussen and Shin; by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to registration of sex offenders and kidnapping offenders enrolled or employed at institutions of higher education; and amending RCW 9A.44.130.

Referred to Committee on Criminal Justice & Corrections.

SB 5937 by Senators Parlette, Jacobsen, Haugen, Sheahan and Shin

AN ACT Relating to additions to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

ESB 5953 by Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford

AN ACT Relating to the disruption of traffic by pedestrians; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

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

## **REPORTS OF STANDING COMMITTEES**

March 14, 2003

HB 1388 Prime Sponsor, Representative Woods: Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Kristiansen; Lovick; Mielke; Morris; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins.

Passed to Committee on Rules for second reading.

March 14, 2003

HB 1853 Prime Sponsor, Representative Rockefeller: Improving passenger ferry service. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper and Wood.

Passed to Committee on Rules for second reading.

March 14, 2003

HB 2097 Prime Sponsor, Representative Murray: Exercising sound business practices to enhance revenues for Washington State Ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:00 a.m., March 15, 2003, the 62<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY FIRST DAY, MARCH 14, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SIXTY SECOND DAY**

---

House Chamber, Olympia, Saturday, March 15, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Arras and Amber Cruz. Prayer was offered by Representative Joyce McDonald.

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

**MESSAGE FROM THE SENATE**

March 14, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5209,  
SUBSTITUTE SENATE BILL NO. 5264,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,  
ENGROSSED SENATE BILL NO. 5971,

and the same are herewith transmitted.

Paul Campos, Deputy Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1561, By Representatives Orcutt, Kagi, Pettigrew and Boldt; by request of Department of Social and Health Services**

**Eliminating certain department of social and health services' reporting requirements.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (189):

On page 8, after line 34, insert the following:

"**Sec. 5.** RCW 13.40.030 and 1996 c 232 s 5 are each amended to read as follows:

(1) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. ~~((At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this~~



information is available to the secretary-)) The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) The permissible ranges of confinement resulting from a finding of manifest injustice under RCW 13.40.0357 are subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

**Sec. 6.** RCW 70.96A.420 and 2001 c 242 s 3 are each amended to read as follows:

(1) The department, in consultation with opiate substitution treatment service providers and counties and cities, shall establish statewide treatment standards for certified opiate substitution treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with opiate substitution treatment programs and counties, shall establish statewide operating standards for certified opiate substitution treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter.

~~((4) Before January 1st of each year, the secretary shall submit a report to the legislature and governor. The report shall include the number of persons enrolled in each treatment program during the period covered by the report, the number of persons who leave each treatment program voluntarily and involuntarily, and an outcome analysis of each treatment program. For purposes of this subsection, "outcome analysis" shall include but not be limited to: The number of people who, as a result of participation in the program, are able to abstain from opiates; reduction in use of opiates; reduction in criminal conduct; achievement of economic independence; and reduction in utilization of health care. The report shall include information on an annual and cumulative basis beginning on July 22, 2001.))~~

**Sec. 7.** RCW 70.96A.520 and 1997 c 338 s 28 are each amended to read as follows:

The department shall prioritize expenditures for treatment provided under RCW 13.40.165. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter 338, Laws of 1997. The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

~~((The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section.))~~

**Sec. 8.** RCW 74.13.017 and 2001 c 265 s 2 are each amended to read as follows:

The department shall undertake the process of accreditation with the goal of completion by July 2006. ~~((The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001.))~~

**Sec. 9.** RCW 74.14A.050 and 2001 c 255 s 1 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

- (ii) Multiple foster care placements;
  - (iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;
  - (iv) Chronic behavioral or educational problems;
  - (v) Repetitive criminal acts or offenses;
  - (vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and
  - (vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;
- (2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;
- (3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. All children entering the foster care system must be evaluated for identification of long-term needs within thirty days of placement;
- (4) As a result of the passage of chapter 232, Laws of 2000, the department is conducting a pilot project to do a comparative analysis of a variety of assessment instruments to determine the most effective tools and methods for evaluation of children. The pilot project may extend through August 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives by September 30, 2001, on the results of the pilot project. The department shall select an assessment instrument that can be implemented within available resources. The department shall complete statewide implementation by December 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives on how the use of the selected assessment instrument has affected department policies, by no later than December 31, 2002, December 31, 2004, and December 31, 2006;
- (5) Use the assessment tool developed pursuant to subsection (4) of this section in making out-of-home placement decisions for children;
- ~~(6) ((By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:~~
- ~~(a) The number of children evaluated during the first thirty days of placement as required in subsection (3) of this section;~~
  - ~~(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was validated;~~
  - ~~(c) The findings from the evaluation regarding the children's needs;~~
  - ~~(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs; and~~
  - ~~(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion;~~
- ~~(7))~~ Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate;
- ~~((8))~~ (7) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care;
- ~~((9))~~ (8) The department is to accomplish the tasks listed in subsections (4) through ~~((8))~~ (7) of this section within existing resources;
- ~~((10))~~ (9) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;
- ~~((11))~~ (10) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;
- ~~((12))~~ (11) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and
- ~~((13))~~ (12) Study and develop a statutory proposal for the emancipation of minors.

**Sec. 10.** 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**  
 General Fund--State Appropriation (FY 2002) \$225,789,000

General Fund--State Appropriation (FY 2003) \$239,013,000  
General Fund--Federal Appropriation \$372,408,000  
General Fund--Private/Local Appropriation \$400,000  
Public Safety and Education Account--State Appropriation \$987,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$5,702,000  
TOTAL APPROPRIATION \$844,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,288,000 of the fiscal year 2003 general fund--state appropriation, and \$1,590,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation and \$536,000 of the general fund--state fiscal year 2003 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance- abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,196,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund-- state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. ~~((The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.))~~

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$7,671,000 of the fiscal year 2003 general fund--state appropriation, and \$20,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the

department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001, and to an average of \$440 per month on July 1, 2002. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$2,461,000 of the general fund--state appropriation for fiscal year 2003, and \$1,485,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal year 2003.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

**Sec. 11.** 2001 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL  
DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2002) \$231,693,000

General Fund--State Appropriation (FY 2003) \$242,347,000

General Fund--Federal Appropriation \$396,151,000

Health Services Account--State Appropriation \$741,000

**TOTAL APPROPRIATION \$870,932,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$753,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(c) \$1,440,000 of the general fund--state appropriation for fiscal year 2002, \$3,041,000 of the general fund--state appropriation for fiscal year 2003, and \$4,311,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities. The department shall not increase total enrollment in home and community based waivers for

persons with developmental disabilities except for increases assumed in additional funding provided in subsections (b) and (c) of this section. ~~(Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.)~~

(e) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

(f) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

(g) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$71,977,000

General Fund--State Appropriation (FY 2003) \$69,303,000

General Fund--Federal Appropriation \$145,641,000

General Fund--Private/Local Appropriation \$10,230,000

TOTAL APPROPRIATION \$297,151,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department may make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages as assumed in the appropriations in this subsection.

#### (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$2,601,000

General Fund--State Appropriation (FY 2003) \$2,623,000

General Fund--Federal Appropriation \$2,413,000

TOTAL APPROPRIATION \$7,637,000

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

**Sec. 12.** 2001 2nd sp. s. c 7 s 207 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$436,440,000

General Fund--State Appropriation (FY 2003) \$424,870,000

General Fund--Federal Appropriation \$1,356,351,000

General Fund--Private/Local Appropriation \$31,788,000

TOTAL APPROPRIATION \$2,249,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,081,000 of the general fund--state appropriation for fiscal year 2002, \$278,277,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and \$29,352,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed ~~((and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months)).~~ An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. ~~((The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.))~~

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. ~~((The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.))~~

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$48,341,000 of the general fund--state appropriation for fiscal year 2002 and \$48,341,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and \$5,632,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 71.24.820 (Mental health system review--Implementation of status reports) and 2001 c 334 s 3; and

(2) RCW 71.24.830 (Mental health system review--Content of status reports) and 2001 c 334 s 4."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Orcutt and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Kagi and Sommers spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Clements, Representatives Mastin and Mielke were excused. On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1561.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1561 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Mielke - 3.

ENGROSSED HOUSE BILL NO. 1561, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1845, By Representatives Newhouse, Schual-Berke, Benson, Kirby, Linville, Moeller, Chase, Bush, Upthegrove, Veloria, McIntire, Skinner, Mielke and Rockefeller**

**Exempting bank account, social security, and credit card numbers from public disclosure.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1845 was substituted for House Bill No. 1845 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1845 was read the second time.

Representative Nixon moved the adoption of amendment (193):

On page 9, line 21, after "that" strike "contain the veteran's social security number and"

On page 9, beginning on line 26, after "records" strike all words through "copying" on line 30.

On page 9, line 33, after "that" strike "contain the veteran's social security number and"

On page 10, beginning on line 3, after "records" strike all words through "copying" on line 6

On page 10, line 8, after "are" strike "~~((not public records, but will be))~~" and insert "not public records, but will be"

On page 10, beginning on line 13, strike all words starting with "until" through "copying" on line 16

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Newhouse and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1845.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1845 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Mielke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1722, By Representatives Gombosky and Cairnes**

#### **Limiting the taxability of certain internet transactions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1722 was substituted for House Bill No. 1722 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1722 was read the second time.

With the consent of the House, amendment (165) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1722.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1722 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Mielke - 3.

SUBSTITUTE HOUSE BILL NO. 1722, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2045, By Representatives Haigh, Armstrong and Miloscia**

#### **Establishing a work group to evaluate creating a centralized identification number system.**

The bill was read the second time.

With the consent of the House, amendments (162) and (176) were withdrawn.

Representative Haigh moved the adoption of amendment (091):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that agencies frequently maintain data warehouses that contain various information regarding persons who do business with, provide services to, and receive services from the state. The legislature further finds that instances exist where the accurate and timely exchange of data among agencies would be to the benefit of Washington citizens. Therefore, the office of financial management shall convene a common data definition work group to evaluate the feasibility and challenges of creating a common data definition for the state. The work group shall include consideration of all instances in which state agencies collect uniquely identifying information regarding persons and businesses that provide services to the state, receive services from the state, file claims with or against the state, receive benefits from the state, enter into contracts with the state, make payments to the state, or otherwise conduct business with the state.

(2) The common data definition work group shall include at least one representative from at least the following state agencies:

- (a) The office of financial management;
- (b) The department of social and health services;
- (c) The department of revenue;
- (d) The department of labor and industries;
- (e) The health care authority;
- (f) The employment security department;
- (g) The higher education coordinating board;
- (h) The department of corrections;
- (i) The department of personnel;
- (j) The department of retirement systems;
- (k) The department of financial institutions;
- (l) The department of licensing;
- (m) The department of health;
- (n) The department of veterans affairs;

- (o) The department of information services;
  - (p) The office of superintendent of public instruction;
  - (q) The office of the secretary of state;
  - (r) The department of community, trade, and economic development;
  - (s) The department of fish and wildlife;
  - (t) The office of the state auditor; and
  - (u) The work force training and education coordinating board.
- (3) The office of financial management shall facilitate and provide staff support to the common data definition work group. The common data definition work group must examine the following topics:
- (a) The manual or automated system that each agency uses to collect, store, and exchange uniquely identifying information;
  - (b) The information associated with each record, including personally identifying information;
  - (c) The requirements and procedures provided in state and federal law to protect privacy and to prevent the unauthorized release of information;
  - (d) The processes each agency has in place to prevent the unauthorized release of information;
  - (e) The processes each agency has in place to lawfully exchange information with other state agencies, local government agencies, the federal government, and other authorized parties;
  - (f) The challenges of creating a common data definition;
  - (g) The challenges of maintaining data integrity and accuracy when sharing or exchanging data; and
  - (h) The processes necessary to ensure that the information associated with each individual or business is only accessible to those persons authorized to have access.
- (4) The common data definition work group shall issue a progress report to the appropriate standing committees of the legislature no later than January 31, 2004. The report shall include findings and recommendations on the feasibility of creating and maintaining a common data definition, whether to create such a definition and, if so, how to create the definition.
- (5) This section expires December 31, 2004."

Representative Talcott moved the adoption of amendment (179) to amendment (091):

On page 3 of the striking amendment, line 1, after "(4)" insert "The common data definition work group shall provide at least seven days' notice of the date, time, location, and agenda of each meeting to every member of the house of representatives and the senate. Notice must be mailed to the Olympia office and, where applicable, to the district office of every member of the house of representatives and the senate."

Representatives Talcott and Haigh spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (091) as amended.

Representatives Haigh, Armstrong and Alexander spoke in favor of the amendment (091) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Armstrong, Haigh (again) and Hunt spoke in favor of passage of the bill.

Representatives McMahan and Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2045.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2045 and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Carrell, Chandler, Condotta, Hinkle, Holmquist, Kristiansen, McMahan, Newhouse, Pearson and Talcott - 10.

Excused: Representatives Edwards, Mastin and Mielke - 3.

ENGROSSED HOUSE BILL NO. 2045, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1698, By Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee**

**Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1698 was substituted for House Bill No. 1698 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1698 was read the second time.

Representative Hinkle moved the adoption of amendment (188):

On page 5, beginning on line 15, strike all of subsection (3) of section 2

On page 6, after line 3, insert the following:

"Sec. 4. RCW 46.09.020 and 1986 c 206 s 1 are each amended to read as follows:

As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" means any individual, firm, partnership, association, or corporation.

"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;

(2) Snowmobiles or any military vehicles; or

(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" means the department of licensing.

"Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

**Sec. 5.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 6.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to read as follows:

The interagency committee for outdoor recreation shall establish a committee of nonhighway road recreationists, including representatives of organized ORV groups, to provide advice regarding the administration

of this chapter. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

NEW SECTION. Sec. 7. Sections 1 through 3 of this act expire July 31, 2005. Sections 4 through 6 of this act take effect July 31, 2005."

Correct the title.

Representatives Hinkle and DeBolt spoke in favor of the adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper, Upthegrove, Romero and Carrell spoke in favor of passage of the bill.

Representatives Sump, Ericksen, Delvin, Alexander, DeBolt, Hinkle and Sump (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1698.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1698 and the bill passed the House by the following vote: Yeas - 57, Nays - 38, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Benson, Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kessler, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Talcott and Woods - 38.

Excused: Representatives Edwards, Mastin and Mielke - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1698, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 1698.

BOB SUMP, 7<sup>th</sup> District

**HOUSE BILL NO. 1808, By Representatives Kenney, Cox, Fromhold, Priest, Berkey, Jarrett, Gombosky, Morrell, Chase, McCoy and Lantz**

**Requiring standards of review before changing lines of instruction at research universities.**

The bill was read the second time.

With the consent of the House, amendments (101) was withdrawn.

Representative Kenney moved the adoption of amendment (151):

On page 2, line 6, after "shall" strike "require the institution to submit the following information" and insert "conduct an independent analysis using information from a variety of sources"

On page 2, line 8, after "program" insert ", including but not limited to information submitted by the institution. Such information shall include"

On page 2, line 12, after "(b)" strike all material through "place" on line 15 and insert "The feasibility of using existing public or private capacity for the program and comparisons of the state cost of providing existing and proposed capacity. Any institution that offers programs under this section shall comply with all applicable state rules and regulations"

Representatives Kenney and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1808.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1808 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Mielke - 3.

ENGROSSED HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5044, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Rasmussen, Roach, Winsley, Kastama and Schmidt)**

**Giving notice of the termination of a tenancy.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Carrell, McCoy, McDonald, McMahan, Morrell, Ahern and Cairnes spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Clements, Representative Boldt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5044.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

SUBSTITUTE SENATE BILL NO. 5044, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1645, By Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille**

**Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.**

The bill was read the second time.

With the consent of the House, amendments (075), (167), (170), (171), (172) and (190) were withdrawn.

Representative Kessler moved the adoption of amendment (206):

Beginning on page 2, line 7, strike all of sections 2 and 3 and insert the following:

**"NEW SECTION. Sec. 2** A new section is added to chapter 59.18 RCW to read as follows: The definitions in this section apply throughout this section and sections 3 through 5 of this act unless the context clearly requires otherwise.

- (1) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.
- (2) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.
- (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.
- (4) "Qualified third party" means any of the following people acting in their official capacity:
  - (a) Law enforcement officers;
  - (b) Persons subject to the provisions of chapter 18.120 RCW;
  - (c) Employees of a court of the state;
  - (d) Licensed mental health professionals or other licensed counselors;

- (e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and
- (f) Members of the clergy as defined in RCW 26.44.020.
- (5) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.
- (6) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.
- (7) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).

**NEW SECTION. Sec. 3** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapters 26.50 or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my . . . . . (household member) am/is a victim of

. . . domestic violence as defined by RCW 26.50.010.

. . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault or stalking: . . . . .  
 . . . . .  
 . . . . .

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s): . . . . . and at the following location(s): . . . . .  
 . . . . .

The incident(s) that I rely on in support of this declaration were committed by the following person(s):  
 . . . . .



.....  
I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Dated at . . . . . (city) . ., Washington, this . . . day of . . . ., 20. ..

Signature of Tenant or  
Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.--- (section 3 of this act) and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act. Dated this . . . day of . . . ., 20. ..

Signature of authorized  
officer/employee of  
(Organization, agency, clinic,  
professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section."

Representative Carrell moved the adoption of amendment (210) to amendment (206):

On page 2, line 28 of the amendment, after "party" insert "that is provided to the tenant or household member"

On page 2, line 37 of the amendment, after "report" insert "provided to the tenant or household member"

On page 3, line 1 of the amendment, after "stalking." insert "The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking."

Representatives Carrell and Kessler spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

The question before the House was the adoption of amendment (206) as amended.

Representatives Kessler and Carrell spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

Representative Cairnes moved the adoption of amendment (130):

On page 6, after line 13, insert the following:

"Sec. 7. RCW 59.18.130 and 1998 c 276 s 2 are each amended to read as follows:

Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he or she occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his or her dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his or her family, invitee, licensee, or any person acting under his or her control to do so. Violations may be prosecuted under chapter 9A.48 RCW if the destruction is intentional and malicious;

(5) Not permit a nuisance or common waste;

(6) Not engage in drug-related activity at the rental premises, or allow a subtenant, sublessee, resident, or anyone else to engage in drug-related activity at the rental premises with the knowledge or consent of the tenant. "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW;

(7) Maintain the smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for the proper operation of the smoke detection device, as required in RCW 48.48.140(3);

(8) Not engage in any activity at the rental premises that is:

(a) Imminently hazardous to the physical safety of other persons on the premises; and

(b)(i) Entails physical assaults upon another person which result in an arrest; or

(ii) Entails the unlawful use of a firearm or other deadly weapon as defined in RCW 9A.04.110 which results in an arrest, including threatening another tenant or the landlord with a firearm or other deadly weapon under RCW 59.18.352. Nothing in this subsection (8) shall authorize the termination of tenancy and eviction of the victim of a physical assault or the victim of the use or threatened use of a firearm or other deadly weapon;

(9) Not engage in any gang-related activity at the premises, as defined in RCW 59.18.030, or allow another to engage in such activity at the premises, that renders people in at least two or more dwelling units or residences insecure in life or the use of property or that injures or endangers the safety or health of people in at least two or more dwelling units or residences. In determining whether a tenant is engaged in gang-related activity, a court should consider the totality of the circumstances, including factors such as whether there have been a significant number of complaints to the landlord about the tenant's activities at the property, damages done by the tenant to the property, including the property of other tenants or neighbors, harassment or threats made by the tenant to other tenants or neighbors that have been reported to law enforcement agencies, any police incident reports involving the tenant, and the tenant's criminal history; (~~and~~)

(10) Not engage in any act of domestic violence as defined in RCW 26.50.010 against another tenant or household member of the same rental dwelling unit that results in an arrest. This subsection does not authorize the termination of tenancy and eviction of the victim of an act of domestic violence; and

(11) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his or her obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he or she has paid a nonrefundable cleaning fee.

**Sec. 8.** RCW 59.18.180 and 1998 c 276 s 3 are each amended to read as follows:

(1) If the tenant fails to comply with any portion of RCW 59.18.130 or 59.18.140, and such noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within thirty days after written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the noncompliance within that period the landlord may enter the dwelling unit and cause the work to be done and submit an itemized bill of the actual and reasonable cost of repair, to be payable on the next date when periodic rent is due, or on terms mutually agreed to by the landlord and tenant, or immediately if the rental agreement has terminated. Any substantial noncompliance by the tenant of RCW 59.18.130 or 59.18.140 shall constitute a ground for commencing an action in unlawful detainer in accordance with the provisions of chapter 59.12 RCW, and a landlord may commence such action at any time after written notice pursuant to such chapter. The tenant shall have a defense to an unlawful detainer action filed solely on this ground if it is determined at the hearing authorized under the provisions of chapter 59.12 RCW that the tenant is in substantial compliance with the provisions of this section, or if the tenant remedies the noncomplying condition within the thirty day period provided for above or any shorter period determined at the hearing to have been required because of an emergency: **PROVIDED**, That if the defective condition is remedied after the commencement of an unlawful detainer action, the tenant may be liable to the landlord for statutory costs and reasonable attorney's fees.

(2) If drug-related activity is alleged to be a basis for termination of tenancy under RCW 59.18.130(6), 59.12.030(5), or 59.20.140(5), the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action.

(3) If activity on the premises that creates an imminent hazard to the physical safety of other persons on the premises as defined in RCW 59.18.130(8) is alleged to be the basis for termination of the tenancy, and the tenant is arrested as a result of this activity, then the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action against the tenant who was arrested for this activity.

(4) If gang-related activity, as prohibited under RCW 59.18.130(9), is alleged to be the basis for termination of the tenancy, then the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action in accordance with chapter 59.12 RCW, and a landlord may commence such an action at any time after written notice under chapter 59.12 RCW.

(5) If an act of domestic violence against another tenant or household member is alleged to be the basis for termination of tenancy under RCW 59.18.130(10), and if the tenant is arrested for the act of domestic violence and the victim of the domestic violence agrees to the eviction, the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action to evict the tenant arrested for the act of domestic violence.

(6) A landlord may not be held liable in any cause of action for bringing an unlawful detainer action against a tenant for drug-related activity, for creating an imminent hazard to the physical safety of others, for committing an act of domestic violence, or for engaging in gang-related activity that renders people in at least two or more dwelling units or residences insecure in life or the use of property or that injures or endangers the safety or health of people in at least two or more dwelling units or residences under this section, if the unlawful detainer action was brought in good faith. Nothing in this section shall affect a landlord's liability under RCW 59.18.380 to pay all damages sustained by the tenant should the writ of restitution be wrongfully sued out."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Cairnes, Anderson, Roach, Hankins and Cairnes (again) spoke in favor of the adoption of the amendment.

Representatives Lantz, O'Brien and Kessler spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (130) to House Bill No. 1645.

## **ROLL CALL**

The Clerk called the roll on the adoption of amendment (130) to House Bill No. 1645, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 50, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin,

Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Carrell, Skinner and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1645.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1645 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

ENGROSSED HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1003, By Representatives Morris, Linville, Wood, Anderson, O'Brien and Sullivan**

#### **Creating the research and technology transfer commission.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1003 was substituted for House Bill No. 1003 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1003 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Crouse and Morris (again) spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

### **POINT OF ORDER**

Representative DeBolt: Representative DeBolt: "I would appreciate it if the good gentleman could keep his remarks based upon the bill and not upon the member's thoughts."

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "The point is well taken. Representative Morris, would you please keep your remarks to the bill please."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1003.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1003 and the bill passed the House by the following vote: Yeas - 81, Nays - 13, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Alexander, Armstrong, Chandler, Clements, Condotta, Hinkle, Holmquist, Kristiansen, McMahan, Newhouse, Orcutt, Pearson and Sump - 13.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1003, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1223, By Representatives Dickerson, Kagi, Chase, Cody and Lovick**

#### **Placing jurisdiction over deceased minors with the county coroner.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1223 was substituted for House Bill No. 1223 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1223 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Kagi spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1223.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1223 and the bill passed the House by the following vote: Yeas - 62, Nays - 32, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Shabro, Skinner, Sump, Talcott and Woods - 32.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1223, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1481, By Representatives Sullivan, Ericksen and Veloria; by request of Department of Transportation**

**Modifying relocation assistance provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1481.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1481 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1481, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1492, By Representatives Conway, Campbell, Cody, Skinner, Darneille, Sehlin and Kenney**

**Including nonprofits in the small business economic impact statement requirement.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1492.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1492 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1492, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1497, By Representatives O'Brien, Delvin, Mielke, Ruderman, Haigh, Ahern, Anderson, Lovick, Kagi and Kenney**

**Reorganizing criminal statutes within the RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1497.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1497 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1497, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1503, By Representatives Miloscia, O'Brien, Haigh, Lantz, Lovick, Moeller, Upthegrove and Anderson**

**Encouraging the office of the administrator for the courts to conduct performance audits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Sehlin and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1503.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1503 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, By Representatives Cox, Fromhold, Sump, Schoesler, Hatfield, Ahern, Clements and Armstrong**

**Allowing special hunts to reduce crop damage caused by wildlife.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and Cooper spoke in favor of passage of the bill.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1512.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1512 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1526, By Representatives Linville, Armstrong, Haigh, Morris, Cooper, Mastin, Gombosky, Delvin, Grant, Schoesler, Sullivan, Chandler and Schual-Berke**

**Revising provisions relating to cost-reimbursement agreements between state agencies and permit applicants.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1526.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1526 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1526, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1579, By Representatives O'Brien, Delvin, Kagi, Mastin, Sullivan and Wood**

**Decriminalizing "fine only" criminal statutes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1579.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1579 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1579, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1584, By Representatives Lantz, Carrell, Flannigan and Campbell; by request of Administrative Office of the Courts**

**Changing provisions relating to the administrative office of the courts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1584.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1584 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1584, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1677, By Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott**

**Authorizing a county to exempt certain property used in agriculture from taxation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shabro, Gombosky, Newhouse, Clements, Bush, Morrell, Armstrong and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1677.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1677 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

HOUSE BILL NO. 1677, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Anderson congratulated Representative Shabro on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 1705, By Representatives Simpson, Chandler, Cooper, Newhouse, Skinner, Romero, Hankins, Hatfield, Mastin, Delvin, Lovick, Campbell, Wood, Sump, Grant, Hudgins, Dunshee, Rockefeller, Moeller and Linville**

### **Funding tire recycling.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

Representative Cooper moved the adoption of amendment (197):

On page 3, line 34, after "70.95.020" strike "(5)" and insert "(6)"

Representative Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Chandler and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1705.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1705 and the bill passed the House by the following vote: Yeas - 72, Nays - 22, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Bush, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Buck, Cairnes, Condotta, Cox, Crouse, DeBolt, Ericksen, Holmquist, Kristiansen, McMahan, McMorris, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin and Sump - 22.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1725, By Representatives Cooper and Upthegrove**

#### **Concerning the cost of a catch record card.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1725 was substituted for House Bill No. 1725 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1725 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1725.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1725 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Crouse, Ericksen and Kristiansen - 3.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1545, By Representatives Fromhold, Hinkle, Kagi, Kenney, Schual-Berke, Upthegrove, Chase, Cox, McDermott, Delvin, Cooper, Dickerson, Pettigrew, Hankins, Lantz, Quall, Conway, Rockefeller and Clements**

#### **Providing for consolidation of early learning and child care programs.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1545 was read the second time.

Representative DeBolt moved the adoption of amendment (149):

On page 2, line 12, strike "coordinate" and insert "study"

On page 3, line 7, strike "oversee" and insert "study"

On page 4, beginning on line 20, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, beginning on line 33, strike all of section 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 6, strike "7" and insert "5"

Representatives DeBolt and Talcott spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (149) to Second Substitute House Bill No. 1545.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (149) to Second Substitute House Bill No. 1545, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 49, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Grant, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Upthegrove and Woods - 45.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Veloria, Wallace, Wood and Mr. Speaker - 49.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

Representative Talcott moved the adoption of amendment (156):

On page 6, line 7, after "RCW." insert:

"NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Representatives Talcott and Fromhold spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold, Kagi, Fromhold (again), Quall and Darneille spoke in favor of passage of the bill.

Representative Sehlin, Talcott, McMahan, Ahern, Holmquist and Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1545.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1545 and the bill passed the House by the following vote: Yeas - 55, Nays - 39, Absent - 0, Excused - 4.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt,

Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 39.

Excused: Representatives Boldt, Edwards, Mastin and Mielke - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1545, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2222 by Representative Ericksen

AN ACT Relating to the Washington commerce corridor; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 2223 by Representatives Hunt, Alexander, Romero and Santos

AN ACT Relating to interest on building accounts; and reenacting and amending RCW 43.84.092.

Referred to Committee on Capital Budget.

SSB 5023 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford and Hale)

AN ACT Relating to the construction of replacement or additional wells; and amending RCW 90.44.100.

Referred to Committee on Agriculture & Natural Resources.

SSB 5025 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Mulliken and Hale)

AN ACT Relating to water right relinquishment; amending RCW 90.14.010, 90.14.130, 90.14.160, 90.14.170, 90.14.180, and 90.14.210; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

2SSB 5027 by Senate Committee on Ways & Means (originally sponsored by Senators Morton, Rasmussen and Hale)

AN ACT Relating to watershed planning; amending RCW 90.82.040 and 90.82.130; adding a new section to chapter 90.82 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SSB 5028 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Hale)

AN ACT Relating to water pollution; and amending RCW 90.48.010, 90.48.020, and 90.48.037.

Referred to Committee on Agriculture & Natural Resources.

SB 5034 by Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; and amending RCW 84.36.381, 84.36.383, and 84.38.030.

Referred to Committee on Finance.

SSB 5077 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Doumit, Hewitt, Swecker, Morton, Brandland, Hale and Mulliken)

AN ACT Relating to withdrawals for stock watering; amending RCW 90.44.050; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 5086 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Doumit, Hewitt, Deccio, Hale, Sheahan, Morton, Parlette, Mulliken and Rasmussen)

AN ACT Relating to the water-related actions of the department of ecology; and adding a new section to chapter 43.21B RCW.

Referred to Committee on Local Government.

E2SSB 5135 by Senate Committee on Ways & Means (originally sponsored by Senators Carlson, West, Horn, Schmidt and Rossi)

AN ACT Relating to increased tuition fees and fees for excess credits taken at institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SSB 5248 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Prentice, Oke and Stevens)

AN ACT Relating to transportation; amending RCW 41.06.380 and 35.84.060; adding new sections to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SB 5282 by Senators Hargrove, Mulliken, T. Sheldon, Doumit, Benton and Zarelli

AN ACT Relating to growth management hearings; amending RCW 36.70A.030, 36.70A.110, 36.70A.130, 36.70A.172, 36.70A.210, 36.70A.250, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.302, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340, 36.70A.345, 36.70C.030, 34.05.518, 34.12.020, 34.12.020, 35.81.060, and 90.58.190; repealing RCW 36.70A.260, 36.70A.270, 36.70A.295, and 36.70A.305; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.



SSB 5434 by Senate Committee on Commerce & Trade (originally sponsored by Senator Swecker)

AN ACT Relating to electricians; and amending RCW 19.28.091.

Referred to Committee on Commerce & Labor.

SSB 5521 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Swecker, Haugen, Parlette, T. Sheldon, Finkbeiner, Doumit, Hale, Schmidt, Honeyford, Rossi, Morton, Sheahan, Johnson, Hewitt, Mulliken, McCaslin, Stevens, West, Shin, Zarelli, Winsley, Carlson, Esser and Oke)

AN ACT Relating to access to health insurance for employers and their employees; amending RCW 48.21.045, 48.43.035, 48.43.045, 48.44.022, 48.44.023, 48.46.064, and 48.46.066; reenacting and amending RCW 48.43.005; and creating a new section.

Referred to Committee on Health Care.

SSB 5540 by Senate Committee on Agriculture (originally sponsored by Senators Sheahan and Rasmussen)

AN ACT Relating to seed testing and certification fees; adding a new section to chapter 15.49 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 5563 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau, Franklin and Shin; by request of Department of Social and Health Services)

AN ACT Relating to the timing of the inspection of boarding homes; and amending RCW 18.20.110.

Referred to Committee on Health Care.

SSB 5602 by Senate Committee on Land Use & Planning (originally sponsored by Senators Kline, Mulliken, Shin, Reardon, T. Sheldon, Esser, Oke, Sheahan, Hewitt, Prentice, Doumit, Keiser and Kohl-Welles)

AN ACT Relating to accommodating housing and employment growth for local jurisdictions planning under RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 5646 by Senators Oke, Poulsen and B. Sheldon

AN ACT Relating to incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service; amending RCW 47.60.120 and 47.64.090; and creating a new section.

Referred to Committee on Transportation.

SB 5654 by Senators McCaslin and Roach

AN ACT Relating to fire protection in newly incorporated cities and towns; and amending RCW 52.04.161.

Referred to Committee on Local Government.

ESSB 5680 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

AN ACT Relating to development regulations review by counties with low population densities; and amending RCW 36.70A.130.

Referred to Committee on Judiciary.

SSB 5716 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Winsley, Benton, Kline, McCaslin and Rasmussen)

AN ACT Relating to crimes involving drivers' licenses and identicards; amending RCW 46.20.0921; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5717 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Prentice and Benton)

AN ACT Relating to possession of instruments or equipment of financial fraud; amending RCW 9A.56.280, 9A.56.290, and 9A.60.020; reenacting and amending RCW 9A.82.010, 9.94A.515, and 9.94A.515; adding new sections to chapter 9A.56 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SSB 5719 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Prentice, Benton, Finkbeiner and Shin)

AN ACT Relating to fraudulent use of a credit card scanning device; amending RCW 9A.56.280 and 9A.56.290; reenacting and amending RCW 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 5769 by Senators Horn, Haugen, Swecker, Esser and Kline

AN ACT Relating to regional transportation investment district bond authority; and amending RCW 36.120.130.

Referred to Committee on Transportation.

SSB 5780 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Shin; by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.330; and repealing RCW 82.14.335.

Referred to Committee on Appropriations.

SSB 5803 by Senate Committee on Judiciary (originally sponsored by Senators Esser, Prentice and Keiser)

AN ACT Relating to making an assault on a peace officer a most serious offense; amending RCW 9A.36.021; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5850 by Senate Committee on Highways & Transportation (originally sponsored by Senators Oke, B. Sheldon, T. Sheldon, Poulsen, Kohl-Welles and McAuliffe)

AN ACT Relating to the provision of passenger ferry service; amending RCW 47.60.120, 47.64.090, and 82.14.050; adding new sections to chapter 36.57A RCW; adding a new section to chapter 47.52 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.14 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5995 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford and Keiser)

AN ACT Relating to collective bargaining agreements in the construction trades concerning meal and rest periods; and amending RCW 49.12.187.

Referred to Committee on Commerce & Labor.

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

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed: ENGROSSED HOUSE BILL NO. 1977

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

There being no objection, the House adjourned until 9:00 a.m., March 17, 2003, the 64<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY SECOND DAY, MARCH 15, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SIXTY FOURTH DAY**

---

House Chamber, Olympia, Monday, March 17, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chad Stayton and Rachael Doumit. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Chaplain Zula Johnston, St. Benedict's Episcopal Church, Lacey.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO.2003-4637, by Representatives Ahern, McDermott, Delvin, Chase, Armstrong, McMorris, Buck, Cairnes, Roach, Holmquist, Ericksen, Sullivan, Pettigrew, Pearson, Woods, Nixon, Clements, Priest, McMahan, Skinner, Schoesler, Mielke, Mastin, Chandler, Condotta, Shabro, Cox, Alexander, Schindler, Boldt, Crouse, Orcutt, Kirby, Upthegrove, Flannigan, Eickmeyer, Cooper, Wood, Berkey, McIntire, Dunshee, Kenney, Chopp, Conway, Murray, Hunter, Lovick, Dickerson, Romero, Kessler, Veloria, Haigh, Quall, O'Brien, Lantz, Anderson, Bailey, Benson, Blake, Bush, Campbell, Carrell, Clibborn, Cody, Darneille, DeBolt, Edwards, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Jarrett, Kagi, Kristiansen, Linville, McCoy, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, Pflug, Rockefeller, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Sommers, Sump, Talcott, Tom and Wallace

WHEREAS, Our society has been enriched by the immigration of countless people, whose experience and successes have added to the diversity of our nations' culture and the building of our state's community; and

WHEREAS, Irish immigrants played a major role in the settling of the Northwest and the founding of communities where they aspired to leadership positions and helped forge what would become the distinct culture of Washington State; and

WHEREAS, The struggles and successes of Saint Patrick demonstrate integrity, perseverance, and honor, qualities that the Irish people embrace and that serve as a model for all Washingtonians; and

WHEREAS, Our Emerald City of Seattle parallels not only in name, but also in social value, the historic example of cultural prowess the Emerald Isle has demonstrated to the world; and

WHEREAS, In addition to our Irish population, Washington shares many characteristics with Ireland, including the prominent Irish green of our flag and our famed potatoes that constitute over twenty percent of our nation's potato crop; and

WHEREAS, The wild March weather in Olympia creates rainbows that with any bit o' Irish luck will end in that elusive pot of gold, which in this time of financial woes might be a wee bit helpful; and

WHEREAS, The establishment of Limerick, Ireland, as the sister city of Spokane is a model for the expansion of ties with Ireland and a tribute to our region's expanded connection to the Irish; and

WHEREAS, Eloquence is a trait invaluable to the legislative process, and since eloquence, as legend has it, can be obtained from kissing the Blarney Stone, the Stone could be a helpful destination for all elected officials and public speakers everywhere;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the contributions of Irish Americans to the history and culture of Washington State and encourage all the citizens of Washington State to join in celebrating Saint Patrick's Day in honor of all those of Irish descent who proudly call the EverGREEN state their home.

HOUSE RESOLUTION NO. 4637 was adopted.

HOUSE RESOLUTION NO. 2003-4638, By Representatives Sehlin, Quall, McDonald, Ericksen, Haigh, Grant, Kessler, Alexander, Hinkle, Hunt, Kristiansen, Newhouse, Jarrett, Schindler, Upthegrove, Santos, Crouse, Woods, Talcott, Cox, Buck, Delvin, Schoesler, Flannigan, Priest, Orcutt, Linville, Morris, Nixon, Carrell, Mielke, Rockefeller, Pearson, Veloria, Condotta, McMahan, Sullivan, Tom, Bailey, Clements, Skinner, McCoy, Kagi, Hudgins, Pettigrew, Hunter, Miloscia, Simpson, Lantz, Cody, Lovick, Eickmeyer, Darneille, McDermott, O'Brien, Kirby, Sommers, Chase, Ruderman, Wallace, McIntire, Conway, Kenney, Gombosky, Berkey and Fromhold

WHEREAS, Washington State is recognized throughout the nation for its eminent resources in biomedical science; and

WHEREAS, Medical specialists in this state have been credited with singular discoveries in diverse health conditions, contributing to worldwide knowledge about symptoms and treatment; and

WHEREAS, Although citizen awareness about these major illnesses has become widespread, there are still a number of lesser threats to health about which very little is known; and

WHEREAS, Myositis, a rare, chronic, and progressive condition for which there is no known cure, is one of these latter "orphan diseases" which is still little recognized, with only 135 patients identified in 27 of Washington's 39 counties and approximately 50,000 active cases nationwide; and

WHEREAS, The puzzling symptoms of Myositis in its four related forms include difficulty in swallowing or breathing, excessive fatigue after standing or walking, increasing inability to lift or raise one's arms overhead, and general weakness of skeletal muscles; and

WHEREAS, Patients have banded together in The Myositis Association with the help of their doctors and health researchers to serve as a resource promoting research into the causes and treatments of Myositis, as well as providing patient support and otherwise enhancing the quality of life for those afflicted; and

WHEREAS, The Washington Myositis Group is committed to a concerted effort by The Myositis Association to recognize a national Myositis Awareness Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington encourage the citizens of Washington State to acknowledge Myositis Awareness Day, and to participate in helping educate the public and identifying and assisting patients of the disease.

HOUSE RESOLUTION NO. 4638 was adopted.

HOUSE RESOLUTION NO. 2003-4639, By Representatives Hunt, Romero and Simpson

WHEREAS, The mighty Black Hills Lady Wolves basketball team, the first Black Hills team to place in a 3A tournament, raced past the Issaquah Indians to snag the 3rd place state title; and

WHEREAS, Stunning the undefeated Meadowdale in an overtime upset, through speed and skill, they came from underdog status to a Tacoma Dome triumph with a 58-56 win; and

WHEREAS, Led by Coach Paul Dretsch, Assistant Coaches Bill Kallappa, Mary Vandenhazel, and Lindsey Nesbit, the Black Hills Lady Wolves closed out their season with a tremendous record of 23 wins and 5 losses; and

WHEREAS, In his 25 years of coaching girls basketball, Coach Dretsch proclaimed the Lady Wolves most outstanding as individuals and as a team; and

WHEREAS, Seniors Markisha Shattuck, Amy Kolcz, Ralina Shaw, and two-time Pacific-9 League MVP and All Tournament Team Brie Adderley, in their last game for Black Hills, left a legacy for future teams to carry on; and

WHEREAS, Team members Kyle Haag, Samantha Swanson, Babe Prante, Whitney Scott, Kristina Fugere, Ashley Hood, Jessica Winkley, and Holly Rossman will be carried into the next basketball season knowing they are champions; and

WHEREAS, Often pitted against taller teams, the team proved over and over that speed and prowess conquered height; and

WHEREAS, The Tumwater community, family, friends, and classmates are tremendously proud of their Lady Wolfpack and join together in congratulating them on their winning season;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington laud and applaud the Black Hills Lady Wolves for their victory in the 3A State Basketball Tournament; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the girls, the basketball coaching staff, and the administration at Black Hills High School.

HOUSE RESOLUTION NO. 4639 was adopted.

HOUSE RESOLUTION NO. 2003-4640, By Representatives Cooper, Sump, Berkey, Hinkle, O'Brien, Buck, Uptegrove, Pearson, Hatfield, Dunshee, Santos, McDermott, Clibborn, McIntire, Sullivan, DeBolt, Ahern, Blake, Darneille, Linville, McCoy, Rockefeller, Hunt, Haigh, Miloscia, Romero, Flannigan, Grant and Morrell

WHEREAS, The Washington State Parks Commission, as one of the state's major stewards of special state resources has, for over nine decades, protected and preserved significant natural, historical, and cultural public assets for citizens; and

WHEREAS, On March 19, 1913, Governor Ernest Lister signed into law the Washington Parks Board, which created the state parks system; and

WHEREAS, The provision of recreational and educational opportunities on these special resource lands has, through tourism, been an economic catalyst to areas of the state that benefit from this evolving economy; and

WHEREAS, The Washington State Parks Commission has partnered with thousands of volunteers, whose work has resulted in over 200,000 hours per year of volunteer time dedicated to the state parks system; and

WHEREAS, The Washington State Parks Commission employees, who work diligently in park management, operations, construction, and maintenance, are major contributors to public service and the State Parks' success story;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington celebrate the state park system's ninetieth birthday in 2003 and recognize the outstanding benefits the park system provides to the state; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives joins with the Parks and Recreation Commission in enjoying the parks system and its resources and assets during the coming ten years, and looks forward to the park system's Centennial in 2013, when it will begin its second century of service to the state of Washington.

HOUSE RESOLUTION NO. 4640 was adopted.

### MESSAGES FROM THE SENATE

March 16, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5091,  
SUBSTITUTE SENATE BILL NO. 5221,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,  
SENATE BILL NO. 5284,  
SUBSTITUTE SENATE BILL NO. 5310,  
SUBSTITUTE SENATE BILL NO. 5360,  
SENATE BILL NO. 5373,

SENATE BILL NO. 5429,  
SENATE BILL NO. 5463,  
SUBSTITUTE SENATE BILL NO. 5474,  
SUBSTITUTE SENATE BILL NO. 5520,  
SECOND SUBSTITUTE SENATE BILL NO. 5694,  
SUBSTITUTE SENATE BILL NO. 5933,  
SUBSTITUTE SENATE BILL NO. 5966,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 16, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5051,  
SUBSTITUTE SENATE BILL NO. 5117,  
SUBSTITUTE SENATE BILL NO. 5189,  
SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5193,  
SENATE BILL NO. 5197,  
SUBSTITUTE SENATE BILL NO. 5204,  
SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5351,  
SENATE BILL NO. 5413,  
SENATE BILL NO. 5428,  
SUBSTITUTE SENATE BILL NO. 5473,  
SENATE BILL NO. 5477,  
ENGROSSED SENATE BILL NO. 5517,  
SENATE BILL NO. 5651,  
SUBSTITUTE SENATE BILL NO. 5708,  
SENATE BILL NO. 5758,  
SENATE BILL NO. 5782,  
SENATE BILL NO. 5783,  
SUBSTITUTE SENATE BILL NO. 5859,  
SUBSTITUTE SENATE BILL NO. 5861,  
SUBSTITUTE SENATE BILL NO. 5868,  
SENATE BILL NO. 5895,  
SENATE BILL NO. 5898,  
SENATE BILL NO. 5970,  
SENATE BILL NO. 5994,  
SUBSTITUTE SENATE BILL NO. 5996,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

#### MESSAGES FROM THE SENATE

March 17, 2003

Mr. Speaker:

The President has signed ENGROSSED HOUSE BILL NO. 1977, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 17, 2003

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5044, and the same is herewith transmitted.

Milt H. Doumit, Secretary

### **SIGNED BY THE SPEAKER**

The Speaker signed: SUBSTITUTE SENATE BILL NO. 5044

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

### **SECOND READING**

**HOUSE BILL NO. 1838, By Representatives Dickerson, Romero, Kenney, Kagi, Moeller, Chase and Santos**

**Providing access to a telephonic reading service for blind or visually handicapped persons in the state of Washington.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1838 was substituted for House Bill No. 1838 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1838 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1838.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1838 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1838, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1841, By Representatives Kagi, Boldt, O'Brien, McIntire, Hunt, Schual-Berke, Shabro, Cooper, Linville, Pettigrew, Upthegrove, Moeller, Darneille, Miloscia, Dickerson, Clements, Armstrong, Orcutt, Fromhold, Delvin, Roach, Kenney, Haigh, Lovick, Chase, Santos and Hudgins**

**Creating programs to promote prevention of child abuse and neglect.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1841 was substituted for House Bill No. 1841 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1841 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1841.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1841 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT RESOLUTION NO. 4204, By Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott, Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, Darneille and Chase**

**Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.**

The joint resolution was read the second time.

With the consent of the House, amendments (053) and (059) were withdrawn.

Representative Anderson moved the adoption of amendment (043):

On page 2, line 26, after "proposition" insert "if the affirmative vote is at least equal to fifteen percent of the registered voters in the school district"

Representatives Anderson, DeBolt, Carrell, Pflug, Delvin and Anderson (again) spoke in favor of the adoption of the amendment.

Representatives Haigh and Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (043) to House Joint Resolution No. 4204.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (043) to House Joint Resolution No. 4204, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 43.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 55.

Representative McMahan moved the adoption of amendment (072):

On page 2, line 26, after "proposition" insert "when the proposition is approved at a primary or general election"

Representatives McMahan, Carrell, DeBolt, McDonald, Benson, Anderson and Nixon spoke in favor of the adoption of the amendment.

Representatives Schual-Berke, Hatfield, Kagi and Haigh spoke against the adoption of the amendment.

### **SPEAKER'S RULING**

The Speaker: "The Speaker would like to clarify the rule which requires members to confine their remarks to the question, and not to assign, impugn or impute motives. Remarks that refer to the members – whether or not they are serious – cross this line and are inappropriate."

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (072) to House Joint Resolution No. 4204.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (072) to House Joint Resolution No. 4204, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke,

Miloscia, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 44.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

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

Representatives Haigh, Schual-Berke, Kenney, Quall, Tom and Hudgins spoke in favor of passage of the joint resolution.

Representatives Carrell, Clements, Schindler, Talcott, Cox, Jarrett, Armstrong, DeBolt and Nixon spoke against the passage of the joint resolution.

Representative Hankins demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be the final passage of House Joint Resolution No. 4204.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Resolution No. 4204 and the resolution was adopted by the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Benson, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, Delvin, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Newhouse, Nixon, Pearson, Roach, Schindler, Schoesler, Sehlin and Sump - 25.

HOUSE JOINT RESOLUTION NO. 4204, having received the necessary constitutional two-thirds majority, was adopted.

### **HOUSE BILL NO. 1879, By Representatives Gombosky and Cairnes**

**Coordinating the state collection and administration of sales and use taxes imposed by tribal municipalities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1879 was substituted for House Bill No. 1879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1879 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1879.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Benson, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Armstrong, Bailey, Boldt, Buck, Condotta, Cox, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Pearson, Schoesler, Sehlin and Sump - 18.

SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1896, By Representatives Quall, Cox, Hunter and Anderson; by request of Superintendent of Public Instruction**

#### **Adding powers and duties for the superintendent of public instruction.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1896 was substituted for House Bill No. 1896 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1896 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McDermott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1896.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Berkey, Blake, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos,

Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Bailey, Boldt, Buck, Bush, Carrell, Chandler, Condotta, Crouse, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro and Sump - 24.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1905, By Representatives Gombosky, Buck, Lantz, Tom, Pettigrew, Rockefeller, Skinner, Fromhold, Benson, Kagi, Kessler, Clibborn, Nixon, Kenney, Moeller, Conway, Hudgins, Santos and McDermott**

**Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1905.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1905 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1905, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1930, By Representatives Morris, Cairnes, Gombosky and Ericksen**

**Enacting procedural enhancements to the master settlement agreement.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1930 was substituted for House Bill No. 1930 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1930 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1930.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1930 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1930, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1936, By Representatives Carrell, McCoy, O'Brien and Lovick**

#### **Enacting the tribal law enforcement officers act of 2003.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1936 was substituted for House Bill No. 1936 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1936 was read the second time.

Representative Darneille moved the adoption of amendment (174):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The house criminal justice and corrections committee and the senate judiciary committee shall study:

(a) The jurisdiction of tribal, state, and local law enforcement officers over tribal and nontribal persons on tribal lands; and

(b) The extension of general authority peace officer powers to tribal law enforcement officers and the effect that the extension would have on tribal and nontribal persons, including nontribal persons occupying land held in fee simple within the boundaries of tribal lands.

(2) When conducting the study under subsection (1) of this section, the house criminal justice and corrections committee and the senate judiciary committee shall consult with the following:

(a) The twenty-nine federally recognized tribes in Washington;

(b) Tribal law enforcement;

(c) Prosecuting attorneys;

(d) Defense attorneys;

(e) Local sheriffs or police chiefs;

(f) Nontribal persons occupying land held in fee simple within the boundaries of tribal land; and

(g) Other persons with expertise in relations between the state and the tribes as the committees deem necessary.

(3) The house criminal justice and corrections committee and the senate judiciary committee shall report their findings and recommendations, including any proposed legislation, to the governor and the legislature no later than December 1, 2003.

(4) This section expires March 31, 2004."

Representatives Darneille, Carrell, O'Brien and Carrell (again) spoke in favor of the adoption of the amendment.

Representatives Sump, Sehlin and Sump (again) spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell, McCoy, Carrell (again) and Darneille spoke in favor of passage of the bill.

Representatives Sump, Clements and Newhouse spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1936.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1936 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Blake, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump and Woods - 41.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1936, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2004, By Representatives Hudgins, Veloria and Upthegrove**

#### **Describing the route of SR 99.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Erickson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2004.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2004 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Armstrong, Flannigan and Sommers - 3.

HOUSE BILL NO. 2004, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2012, By Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos**

**Creating a special services pilot program.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2012 was substituted for House Bill No. 2012 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2012 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2012.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2012 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2012, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.



**HOUSE BILL NO. 2147, By Representatives McDermott, Upthegrove, Cox, Quall and Rockefeller**

**Protecting preschool and elementary school students assisting in school kitchens.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2147 was substituted for House Bill No. 2147 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2147 was read the second time.

With the consent of the House, amendments (136), (141) and (157) were withdrawn.

Representative McDermott moved the adoption of amendment (212):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) By January 12, 2004, the superintendent of public instruction, in consultation with the Washington state school directors' association, parents, representatives of food service employee groups, principals, and other interested parties, shall develop and make available to school districts a model policy for protecting children in preschool through sixth grade who assist in elementary school kitchens.

(2) By August 1, 2004, each school district shall adopt or amend a policy for protecting children in preschool through sixth grade who assist in elementary school kitchens."

Representatives McDermott and Cox spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2147.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2147 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Condotta and Sump - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2147, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2147.

CARY CONDOTTA, 12<sup>th</sup> District

**HOUSE BILL NO. 2036, By Representatives Buck, McCoy and Clements**

**Authorizing the Quileute Tribe to enter cigarette tax contracts.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2036 was substituted for House Bill No. 2036 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2036 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Gombosky spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2036.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2036 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2036, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2040, By Representatives Santos and Benson; by request of Insurance Commissioner**

**Establishing liability for taxes on unlawful or delinquent insurers or taxpayers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2040 was substituted for House Bill No. 2040 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2040 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Santos spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2040.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2040 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2040, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2041, By Representatives Kenney, Boldt, Lantz, Clements, McCoy, Fromhold, Berkey, Morrell and Kagi**

**Clarifying the work study aspect of "work activity" under the TANF program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2041.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2041 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2041, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1809, By Representatives Murray, Hankins, Grant, Mastin, McDermott, Jarrett, Linville, Upthegrove, Quall, Moeller, Tom, Kessler, Lovick, Hunter, Schual-Berke, Ruderman, Dickerson, Santos, Hudgins, Haigh, Hunt, Pettigrew, Rockefeller, Simpson, Cody and Kenney; by request of Governor Locke**

**Expanding the jurisdiction of the human rights commission.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1809 was substituted for House Bill No. 1809 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1809 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1809.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1809 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Priest, Roach, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 39.

SUBSTITUTE HOUSE BILL NO. 1809, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1809.

LYNN SCHINDLER, 4<sup>th</sup> District

The Speaker called upon Representative Lovick to preside.

**HOUSE BILL NO. 2056, By Representatives Haigh, Armstrong and Miloscia**

**Modifying public works bidding provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2056 was substituted for House Bill No. 2056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2056 was read the second time.

Representative Haigh moved the adoption of amendment (246):

On page 1, line 9, after "protesting" strike "bidder," and insert "bidder"

On page 1, line 9, after "least" strike "five" and insert "two full business"

On page 1, line 12, after "minimum" strike "five-day" and insert "two-day"

On page 5, line 16, after "least" strike "five" and insert "two full business"

On page 5, line 19, after "minimum" strike "five-day" and insert "two-day"

Representatives Haigh and Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2056.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2056 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Kirby - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2072, By Representatives Hankins, Murray, Woods, Grant, Schoesler, Clements and Newhouse**

**Creating the Produce Railcar Pool.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on HOUSE BILL NO. 2072 and it held its place on Third Reading.

**HOUSE BILL NO. 2089, By Representatives McCoy, Wallace, Morrell, Kenney and Miloscia**

**Changing veterans' tuition waiver provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2089 was substituted for House Bill No. 2089 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2089 was read the second time.

Representative McCoy moved the adoption of amendment (077):

On page 3, after line 3, insert

"NEW SECTION. Sec. 2. A new section is added to chapter 28B.15 R.W. to read as follows:  
Institutions of higher education, as defined in R.W. 28B.10.016, shall provide an enrolled student who is called to active federal service in United States military action initiated by an executive order issued by the President of the United States, and who is unable to complete the academic term in which the student is enrolled, with the option of receiving a refund of the total tuition and fees paid by the eligible student for the applicable academic term, or of being readmitted for a comparable academic term under the following conditions:  
(1) The eligible student shall be exempt from the payment of additional tuition and fees;  
(2) No new course sections shall be created as a direct result of students receiving the waivers; and  
(3) Enrollment information on students receiving the waivers shall be maintained separately from other enrollment information and shall not be considered in any enrollment statistics that would affect budgetary determinations."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative McCoy spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2089.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2089 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089, having received the necessary constitutional majority, was declared passed.

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

The House immediately resumed consideration of House Bill No. 2072 on Third Reading.

### **THIRD READING**

**HOUSE BILL NO. 2072, By Representatives Hankins, Murray, Woods, Grant, Schoesler, Clements and Newhouse**

#### **Creating the Produce Railcar Pool.**

Representatives Hankins and Grant spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2072.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2072 and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Armstrong, Bailey, Berkey, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Anderson, Benson, Boldt, Bush, Cairnes, Carrell, Chandler, Cox, Crouse, Jarrett, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pflug, Roach and Schindler - 19.

HOUSE BILL NO. 2072, having received the necessary constitutional majority, was declared passed.

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

### **SECOND READING**

**HOUSE BILL NO. 2140, By Representatives Grant and Linville**

#### **Reaffirming the role of the state conservation commission.**

The bill was read the second time.

Representative Linville moved the adoption of amendment (213):

On page 45, line 35, after "(2)" strike "The" and insert "At the request of the legislature, the"

On page 45, line 36, strike "at least once every two years"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2140.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2140 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 2140, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2150, By Representatives Lantz, Darneille and Sehlin**

#### **Modifying the administration of civil legal services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Sehlin and Clements spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2150.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2150 and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby,



Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Anderson, Benson, Cairnes, Carrell, Chandler, DeBolt, Hinkle, Holmquist, McMahan, McMorris, Newhouse, Pflug, Roach, Schindler and Skinner - 16.

HOUSE BILL NO. 2150, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2151, By Representatives Alexander, Dunshee, Sommers, Cox and Sehlin**

**Prioritizing proposed higher education capital projects.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2151 was substituted for House Bill No. 2151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2151 was read the second time.

With the consent of the House, amendment (160) was withdrawn.

Representative Alexander moved the adoption of amendment (247):

On page 2, beginning on line 5, strike Section 2 and insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) Beginning with the 2005-2007 biennial capital budget submittal, the public four-year institutions, in consultation with the council of presidents and the higher education coordinating board, shall prepare a single prioritized individual ranking of the individual projects proposed by the four-year institutions as provided in subsection (2) of this section. The public four-year institutions may aggregate minor works project requests into priority categories without separately ranking each minor project, provided that these aggregated minor works requests are ranked within the overall list. For repairs and improvements to existing facilities and systems, the rating and ranking of individual projects must be based on criteria or factors that include, but are not limited to, the age and condition of buildings or systems, the programmatic suitability of the building or system, and the activity/occupancy level supported by the building or system. For projects creating new space or capacity, the ratings and rankings of projects must be based upon criteria or factors that include, but are not limited to, measuring existing capacity and progress toward meeting increased space utilization levels as determined by the higher education coordinating board.

(2) The single prioritized four-year project list shall be approved by the governing boards of each public four-year institution and shall be submitted to the office of financial management and the higher education coordinating board concurrent with the institution's submittal of their biennial capital budget requests.

(3)(a) The higher education coordinating board, in consultation with the office of financial management and the joint legislative audit and review committee, shall develop common definitions that public four-year institutions and the state board for community and technical colleges shall use in developing their project lists under this section.

(b) As part of its duties under RCW 28B.80.330(4), the higher education coordinating board shall, as part of its biennial budget guidelines, disseminate, by December 1st of each odd-numbered year, the criteria framework, including general definitions, categories, and rating system, to be used by the public four-year institutions in the development of the prioritized four-year project list. The criteria framework shall specify the general priority order of project types based on criteria determined by the board, in consultation with the public four-year institutions.

(c) Under RCW 28B.80.330(4), the public four-year institutions shall submit a preliminary prioritized four-year project list to the higher education coordinating board by August 1st of each even-numbered year.

(d) The state board for community and technical colleges shall, as part of its biennial capital budget request, submit a single prioritized ranking of the individual projects proposed for the community and technical colleges. The state board for community and technical colleges shall submit an outline of the prioritized

community and technical college project list to the higher education coordinating board under RCW 28B.80.330(4) by August 1st of each even-numbered year.

(4) The higher education coordinating board, in consultation with the public four-year institutions, shall resolve any disputes or disagreements arising among the four-year institutions concerning the ranking of particular projects. Further, should one or more governing boards of the public four-year institutions fail to approve the prioritized four-year project list as required in this section, or should a prioritized project list not be submitted by the public four-year institutions concurrent with the submittal of their respective biennial capital budget requests as provided in subsection (2) of this section, the higher education coordinating board shall prepare the prioritized four-year institution project list itself.

(5) In developing any rating and ranking of capital projects proposed by the two-year and four-year public universities and colleges, the board:

(a) Shall be provided with available information by the public two-year and four-year institutions as deemed necessary by the board;

(b) May utilize independent services to verify, sample, or evaluate information provided to the board by the two-year and four-year institutions; and

(c) Shall have full access to all data maintained by the office of financial management and the joint legislative audit and review committee concerning the condition of higher education facilities.

(5) Beginning with the 2005-2007 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and four-year colleges and universities, submit its capital budget recommendations and the separate two-year and four-year prioritized project lists.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.80 RCW to read as follows:

"Beginning with the 2007-2009 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and the public four-year institutions, submit its biennial capital budget recommendations on the basis of a prioritized project ranking reflecting the integration of the two-year and four-year prioritized project lists developed under section 2 of this act along with the separate two-year and four-year prioritized lists."

Correct the title accordingly.

Representatives Alexander and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2151.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2151 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2184, By Representatives McIntire, Cox, Dunshee, Kenney and Alexander**

**Providing for uniform and comprehensive facility inventory and condition data.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2184 was substituted for House Bill No. 2184 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2184 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2184.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2184 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2184, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4014, By Representatives Woods, Miloscia, Priest, Hankins, Shabro, Rockefeller, Sehlin, Lovick, Bailey, Holmquist, Ericksen, Tom, Schindler, Clements, Morris, Anderson, Sullivan, Dickerson, Wood, Murray, Ruderman, Kirby, Kenney, Haigh, Kagi, Schual-Berke, Linville, Moeller, Chase, Romero, Simpson, Quall, Conway, Santos, Upthegrove, Darneille, Veloria, Pearson, Alexander, Skinner and Talcott**

**Naming the "Maryann Mitchell Memorial Interchange."**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Woods, Miloscia and Priest spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4014.

### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4014 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL NO. 4014, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1827, By Representatives Moeller, Skinner, Fromhold, Schoesler, Romero, Sullivan, Hankins, Hunt, Morrell, Delvin, Cox, Kenney, Hinkle, Linville, Wood, Cody, Dunshee, Schual-Berke, Sehlin and Simpson**

#### **Requiring information on meningitis immunization for college students.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1827 was substituted for House Bill No. 1827 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

With the consent of the House, amendments (164) and (192) were withdrawn.

Representative Moeller moved the adoption of amendment (221):

On page 1, line 14, after "treatment;" insert "and"

On page 1, line 17, after "received" strike all material beginning with "; and" through "student" on page 2, line 5

On page 2, line 6, after "shall" strike "maintain the confidentiality of information obtained on the form" and insert "place the information on the residential housing application, contract, or agreement that is received or agreed to by the student before taking possession of the residence"

Representatives Moeller and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Pflug moved the adoption of amendment (214):

On page 1, line 15, after "(b)" strike all material beginning with "A recommendation" through "disease" on line 17 and insert "Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease"

Representatives Pflug and Moeller spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1827.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1827 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2112, By Representatives Haigh, Miloscia, Eickmeyer and Edwards**

**Reviewing the use of the general contractor/construction manager procedures authorized in chapter 39.10 RCW.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2112 was substituted for House Bill No. 2112 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2112 was read the second time.

Representative Schindler moved the adoption of amendment (191):

On page 2, beginning on line 15, strike all of section 2  
Renummer remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 14, line 4, after "(16)" strike "RCW 39.10.--- and 2003 c ... s 2 (section 2 of this act); (17)"  
Renummer the remaining subsection consecutively.

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (191) to Substitute House Bill No. 2112.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (191) to Substitute House Bill No. 2112, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Buck, Bush, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

Voting nay: Representatives Armstrong, Berkey, Blake, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 55.

Representative Haigh moved the adoption of amendment (150):

On page 3, line 5, after "committee." insert "Legislative members of the oversight committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the oversight committee, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and RCW 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives."

Representative Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2112.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2112 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Buck, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Benson, Boldt, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Skinner, Sump and Talcott - 26.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2112, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1638, By Representatives Schual-Berke, Darneille, Conway, Hankins, McIntire, Pflug, Kenney, Kessler, Moeller, Edwards, Simpson, Morrell, Skinner, Upthegrove, Rockefeller and Wood**

**Concerning hepatitis C.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1638 was substituted for House Bill No. 1638 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1638 was read the second time.

With the consent of the House, amendment (199) was withdrawn.

Representative Benson moved the adoption of amendment (209):

On page 4, after line 11, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession, shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment."

Renumber the remaining sections consecutively and correct any cross-references accordingly.

Correct the title.

Representatives Benson and Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1638.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1638 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1638, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1204, By Representatives Fromhold, Delvin, Conway, Alexander, Pflug, Anderson, Cooper and Chase; by request of Joint Committee on Pension Policy**

**Creating the select committee on pension policy.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1204 was substituted for House Bill No. 1204 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1204 was read the second time.

With the consent of the House, amendments (116), (181), (182), (183) and (180) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold, Delvin and Conway spoke in favor of passage of the bill.

Representative Sehlin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1204.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1204 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Bailey, Buck, Chandler, Clibborn, Dickerson, Eickmeyer, Ericksen, Hinkle, Holmquist, Hunt, Kristiansen, Linville, McMahan, McMorris, Mielke, Moeller, Newhouse, Nixon, Pearson, Romero, Ruderman, Sehlin, Sump and Tom - 24.

SUBSTITUTE HOUSE BILL NO. 1204, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1204.

JUDY CLIBBORN, 41<sup>st</sup> District

### **SPEAKER'S PRIVILEGE**



The Speaker (Representative Lovick presiding): "The Speaker would like to recognize that the members – and all Americans – are carrying an extra burden as we go about our business tonight. In these difficult times, our thoughts and prayers are with everyone, especially our troops and their families."

### MESSAGES FROM THE SENATE

March 17, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5042,  
SUBSTITUTE SENATE BILL NO. 5062,  
SENATE BILL NO. 5076,  
SUBSTITUTE SENATE BILL NO. 5144,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,  
SUBSTITUTE SENATE BILL NO. 5407,  
ENGROSSED SENATE BILL NO. 5450,  
SUBSTITUTE SENATE BILL NO. 5457,  
SENATE BILL NO. 5507,  
SENATE BILL NO. 5512,  
SUBSTITUTE SENATE BILL NO. 5588,  
SENATE BILL NO. 5597,  
SENATE BILL NO. 5665,  
ENGROSSED SENATE BILL NO. 5676,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5692,  
SUBSTITUTE SENATE BILL NO. 5695,  
SUBSTITUTE SENATE BILL NO. 5749,  
SUBSTITUTE SENATE BILL NO. 5751,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5904,  
SUBSTITUTE SENATE BILL NO. 5912,  
SENATE BILL NO. 5935,  
ENGROSSED SENATE BILL NO. 5938,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SUBSTITUTE SENATE BILL NO. 5955,  
SENATE BILL NO. 5989,  
SENATE JOINT MEMORIAL NO. 8004,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### SECOND READING

**HOUSE BILL NO. 1418, By Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlin, Bailey and Linville**

**Exempting drainage infrastructure from certain environmental requirements.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Quall moved the adoption of amendment (216):

On page 2, line 29, after "base." insert "The legislature also declares that it is in the best interest of the state to implement the hydraulics program and fish passage laws in ways that preserve the agricultural land base,

including cooperative agreements between the department of fish and wildlife and affected land owners, and that achieve mutual land owner and fish habitat goals."

On page 3, line 18, after "(b)" strike all material through "(c)" on line 22

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 22, after "projects" insert "on specified streams"

On page 4, line 20, after "installed" insert "as part of an agricultural drainage system"

On page 7, line 34, after "unless" insert "the condition is consistent with a salmon recovery plan adopted according to chapter 77.85 RCW or a plan developed according to section 12 of this act,"

On page 7, line 35, after "installation" insert "₂"

On page 10, line 15, after "unless" insert "the condition is consistent with a salmon recovery plan adopted according to chapter 77.85 RCW or a plan developed according to section 12 of this act,"

On page 10, line 16, after "installation" insert "₂"

On page 11, line 30, after "department" strike "or" and insert "and"

On page 11, line 30, after "landowner" insert "or, if applicable, an associated special taxing district under RCW 85.38.180,"

On page 16, line 18, after "removal" insert "of the self-regulating function"

On page 16, line 23, after "removal" insert "of the self-regulating function of any self-regulating tide gate"

On page 16, line 23, strike "ninety" and insert "thirty"

On page 16, line 24, strike "owner's written request" and insert "request of the owner or the associated special taxing district under RCW 85.38.180"

On page 16, beginning on line 29, strike all of subsection (1) of section 11 and insert the following:  
"(1) A task force is created that shall be composed of the following thirteen members and any members identified in subsection (2) of this section who elect to participate:

(a) Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the senate majority leader;

(c) One representative of the fish and wildlife commission, appointed by the chair of the commission;

(d) Two representatives of the agricultural industry familiar with agricultural issues in Skagit county, with one appointed by an organization active in Skagit County and one appointed by a statewide organization representing the industry;

(e) Two representatives of environmental interest organizations with familiarity and expertise in agricultural activities and issues related to approvals issued under this chapter, with one appointed by a Skagit county organization and the other appointed by a statewide organization representing environmental interests;

(f) One representative of a Skagit county diking and drainage district, appointed by the individual districts in Skagit County or by an association of diking and drainage districts;

(g) One representative of the lead entity for salmon recovery in Skagit county, appointed by the lead entity;

(h) One representative of Skagit county, appointed by its legislative authority; and

(i) One representative from the office of the governor."

On page 17, line 31, strike "1(6)" and insert "1(7)"

On page 17, line 31, after "act" insert "as they relate to Skagit county"

On page 17, line 36, after "facilities" insert "in Skagit county"

On page 18, line 2, after "habitat" insert "to meet salmon recovery goals"

On page 18, line 3, after "projects" insert "on the Skagit river, the Samish river, Carpenter creek, and Colony creek"

On page 18, line 12, after "(6)" insert "The first meeting of the task force shall be held within thirty days of the effective date of this act."

On page 19, line 14, strike "lead entity" and insert "task force"

Representatives Quall spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Sehlin, Clements, Morris and Eickmeyer spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1418.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1427, By Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald**

**Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.**

The bill was read the second time.

With the consent of the House, amendment (236) was withdrawn.

Representative Darneille moved the adoption of amendment (235):

On page 1, line 9, after "crime is" insert "dead or"

On page 1, beginning on line 9, after "testify" strike all material through "testify" on line 10

On page 2, line 2, after "statement" insert ", including the elements of the offense"

On page 2, beginning on line 3, after "statement" strike all material through "The" on line 4 and insert "and the"

Reletter the remaining subsections consecutively.

Representatives Darneille and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1427.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1427 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Flannigan - 1.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1427, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1803, By Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson; by request of Commissioner of Public Lands**

### **Creating the legacy trust for recreation and conservation.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1803 was substituted for House Bill No. 1803 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1803 was read the second time.

Representative Linville moved the adoption of amendment (200):

On page 2, line 8, after "goals." insert "One alternative for the committee to research is any options available for obtaining federal forest land located in Washington to be used as part of the Legacy Trust's land base."

Representatives Linville and Ericksen spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of amendment (244):

On page 2, after line 25, insert the following:

"**Sec. 3.** RCW 79.01.612 and 1993 c 49 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, the department of natural resources shall manage and control all lands acquired by the state by escheat or under chapter 79.66 RCW and all lands acquired by the state by deed of sale or gift or by devise, except such lands which are conveyed or devised to the state to be used for a particular purpose. The department shall lease the lands in the same manner as school lands. When the department determines to sell the lands, they shall be initially offered for sale either at public auction or direct sale to public agencies as provided in this chapter. If the lands are not sold at public auction, the department may, with approval of the board of natural resources, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value and pay necessary marketing costs from the sale proceeds. Necessary marketing costs includes reasonable costs associated with advertising the property and paying commissions. The proceeds of the lease or sale of all such lands shall be deposited into the appropriate fund in the state treasury in the manner prescribed by law, except if the grantor in any such deed or the testator in case of a devise specifies that the proceeds of the sale or lease of such lands be devoted to a particular purpose such proceeds shall be so applied. The department may employ agents to rent any escheated, deeded, or devised lands, or lands acquired under chapter 79.66 RCW, for such rental and time and in such manner as the department directs, but the property shall not be rented by such agent for a longer period than one year and no tenant is entitled to compensation for any improvement which he makes on such property. The agent shall cause repairs to be made to the property as the department directs, and shall deduct the cost thereof, together with such compensation and commission as the department authorizes, from the rentals of such property and the remainder which is collected shall be transmitted monthly to the department of natural resources.

(2) When land is acquired by the state by escheat which because of its location or features may be suitable for park purposes, the department shall notify the state parks and recreation commission. The department and the commission shall jointly evaluate the land for its suitability for park purposes, based upon the features of the land and the need for park facilities in the vicinity. Where the department and commission determine that such land is suitable for park purposes, it shall be offered for transfer to the commission, or, in the event that the commission declines to accept the land, to the local jurisdiction providing park facilities in that area. When so offered, the payment required by the recipient agency shall not exceed the costs incurred by the department in managing and protecting the land since receipt by the state.

(3) The department may review lands acquired by escheat since January 1, 1983, for their suitability for park purposes, and apply the evaluation and transfer procedures authorized by subsection (2) of this section.

(4)(a) Any land that is acquired by the state between the effective date of this act and June 30, 2004, either by gift, escheat, devise, or grant, that is not conveyed for a particular purpose, may be held by the department separate from any existing land trusts.

(b) If by June 30, 2004, the legislature establishes the legacy trust pursuant to sections 1 and 2 of this act, or any other land trust designed to provide financial support for the management of public recreational access and use on state-owned lands, then any land held pursuant to this subsection shall be transferred to the new land trust and managed pursuant to legislative direction.

(c) If by June 30, 2004, the legislature does not create a new land trust, any land held pursuant to this subsection must be managed in accordance with subsections 1 and 2 of this section."

On page 2, line 26, after "**Sec. 3.**" strike all material through "2004." and insert "Sections 1 through 3 of this act expires on July 1, 2004."

Correct the title and renumber the sections accordingly.

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Ericksen spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1803.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1803 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Berkey, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 75.

Voting nay: Representatives Alexander, Armstrong, Blake, Boldt, Buck, Chandler, Clements, Condotta, DeBolt, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Skinner and Sump - 22.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1803, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1754, By Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero**

**Concerning the slaughter, preparation, and sale of certain poultry.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1754 was substituted for House Bill No. 1754 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1754 was read the second time.

Representative Linville moved the adoption of amendment (250):

Beginning on page 2, line 6, strike all of section 3 and insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 69.07 RCW to read as follows:

(1) A special, temporary permit issued by the department under this section is required for the slaughter and preparation of one thousand or fewer pastured poultry animals in a calendar year by the agricultural producer of the poultry for the sale of the whole raw poultry by the producer directly to the ultimate consumer at the producer's farm, and for such sale. Such activities shall not be conducted without the permit. However, if the activities are conducted under such a permit, the activities are exempted from any other licensing requirements of this chapter.

(2)(a) The department must adopt by rule requirements for a special, temporary permit for the activities described in subsection (1) of this section. The requirements must be generally patterned after those established by WAC 246-215-190 as it exists on the effective date of this section for temporary food service establishments, but must be tailored specifically to these slaughter, preparation, and sale activities. The requirements must

include, but are not limited to, those for: Cooling procedures, when applicable; sanitary facilities, equipment, and utensils; clean water; washing and other hygienic practices; and waste and wastewater disposal.

(b) The rules must also identify the length of time such a permit is valid. In determining the length of time, the department must take care to ensure that it is adequate to accommodate the seasonal nature of the permitted activities. In adopting any rule under this section, the department must also carefully consider the economic constraints on the regulated activity.

(3) The department shall conduct such inspections of the activities permitted under this section as are reasonably necessary to ensure compliance with permit requirements.

(4) The fee for a special permit issued under this section is seventy-five dollars."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer, Kristiansen, Hunt and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1754.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2018, By Representatives Cody, Morrell, Santos, Darneille and Edwards**

#### **Concerning eligibility requirements for the Washington state health insurance pool.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schual-Berke spoke in favor of passage of the bill.

Representatives Pflug and Anderson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2018.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2018 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2018, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2019, By Representatives Cody, Morrell, Edwards, Santos and Dickerson**

#### **Revising provisions for nonsubsidized basic health plan coverage.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2019 was substituted for House Bill No. 2019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2019 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Schual-Berke and Cody (again) spoke in favor of passage of the bill.

Representatives Pflug, Alexander, Ahern and Pflug (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2019.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2019 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen,



Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2033, By Representatives Shabro, Conway, Priest, McDonald, Tom, Darneille, McMahan, Flannigan, Carrell, Campbell, Lantz, Talcott, Roach, Bailey, Kirby and Kristiansen**

**Requiring regional transportation investment district tax revenue to be allocated proportionally among member counties.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2033 was substituted for House Bill No. 2033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2033 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shabro and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2033.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2033 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Armstrong, Blake, Condotta, Delvin, Hatfield, Hinkle and Hudgins - 7.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2065, By Representatives Simpson and Edwards**

**Facilitating license plate technology advances.**

The bill was read the second time.

With the consent of the House, amendment (234) was withdrawn.

Representative Ericksen moved the adoption of amendment (196):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.16.230 and 1992 c 7 s 41 are each amended to read as follows:

(1) The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles.

(2) All vehicle license number plates (~~may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures.~~) issued by the department after the effective date of this act must be flat, digitally printed license plates, and the department shall contract with a private vendor located in Washington state, or with the department of corrections, for the manufacturing of the plates. The digitally printed license plates may include bar codes to facilitate distribution and inventory control. This system must be in place and operational by January 1, 2004, and must be used to produce all license plates issued by the department by no later than June 1, 2004.

(3) State agencies responding to the department's request for proposal to contract out the manufacturing of the digitally printed license plates shall make allowances in their proposals to reflect all taxes and current labor rates applicable to private sector businesses.

(4) Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

**Sec. 2.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design but must be ((issued on a standard background)) legible and clearly identifiable as a Washington state license plate, as designated by the department.

(2) Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(3) In providing for the periodic replacement of license plates, the department shall offer the vehicle's owner the option of retaining the current license plate number. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.16 RCW to read as follows:

A one dollar technology surcharge is imposed on the retention fee provided for in RCW 46.16.233(3), and is also assessed on all special license plates issued under this chapter. The surcharge remains in effect until December 31, 2005, at which time this section expires. Revenues generated by the technology surcharge must be deposited into the temporary technology enhancement account created under section 4 of this act.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.16 RCW to read as follows:

The temporary technology enhancement account is created in the state treasury. All receipts collected under section 3 of this act must be deposited into this account. Expenditures from this account must support license plate technology and systems integration upgrades. Moneys in the account may be spent only after appropriation. This section expires December 31, 2005. Any funds remaining in this account after the expiration date must be deposited into the multimodal transportation account.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.16 RCW to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions in addition to the five renditions provided under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the temporary technology enhancement account created under section 4 of this act until such time as the financing necessary to implement a digital license plate system has been paid in full, or until such time as the temporary technology enhancement account expires. After the financing has been paid in full, or upon the expiration of the temporary technology enhancement account, the revenue collected under this section must be deposited into the public safety and education account for the purpose of providing funding for the crime victims compensation program established under chapter 7.68 RCW.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2004."

Correct the title.

Representatives Ericksen spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2065.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2065 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kirby, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2065, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2146, By Representatives Tom, Sullivan and Eickmeyer**

**Providing tax incentives for wood biomass fuel production, distribution, and sale.**

The bill was read the second time.

Representative Tom moved the adoption of amendment (223):

Beginning on page 11, line 29, strike all of sections 13 and 14 and insert the following:

**"NEW SECTION. Sec. 13.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment, or to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or machinery and equipment, or to sales of tangible personal property that becomes an ingredient or component of structures or machinery and equipment, if the machinery, equipment, or structure is used directly for the retail sale of a wood biomass fuel blend. Structures and machinery and equipment that are used for the retail sale of a wood biomass fuel blend and for other purposes are exempt only on the portion used directly for the retail sale of a wood biomass fuel blend.

(2) The tax levied by RCW 82.08.020 does not apply to sales of fuel delivery vehicles or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles including repair parts and replacement parts if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, the definitions in section 1 of this act and this subsection apply.

(a) "Wood biomass fuel blend" means fuel that contains at least twenty percent wood biomass fuel by volume.

(b) "Machinery and equipment" means industrial fixtures, devices, and support facilities and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts that are integral and necessary for the delivery of a wood biomass fuel blend into the fuel tank of a motor vehicle.

(5) This section expires July 1, 2009.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of machinery and equipment, or to services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, or tangible personal property that becomes an ingredient or component of machinery and equipment used directly for the retail sale of a wood biomass fuel blend.

(2) The provisions of this chapter do not apply in respect to the use of fuel delivery vehicles including repair parts and replacement parts and to services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) For the purposes of this section, the definitions in section 13 of this act apply.

(4) This section expires July 1, 2009."

Representatives Tom, Sullivan and DeBolt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tom, Armstrong, Talcott, Jarrett, Eickmeyer, Hunter, Benson, Morris and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2146.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2146 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Delvin - 1.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 2146, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt congratulated Representative Tom on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### **HOUSE BILL NO. 2195, By Representatives McDermott, Talcott, Quall, Tom and Haigh**

##### **Regarding state assessment standards.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2195 was substituted for House Bill No. 2195 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2195 was read the second time.

Representative Quall moved the adoption of amendment (215):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) By December 1, 2003, the superintendent of public instruction, after consultation with parents, teachers, principals, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees with one or more recommendations on the design, administration, scoring, and reporting of assessments for social studies, the arts, and health and fitness.

(2) By May 1, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on:

(a) The review, prioritization, and identification of the essential academic learning requirements and grade level content expectations; and

(b) Subject to available funding, the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for fourth and seventh grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments.

(3) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

(4) By November 30, 2006, subject to available funding, the academic achievement and accountability commission shall report to the governor, the superintendent of public instruction, the state board of education, and the house of representatives and senate education committees on the results of its review of the cut scores needed to meet all grade level content standards on the Washington assessment of student learning. In its report, the commission shall include a schedule for the regular review and adjustment of the cut scores.

**Sec. 2.** RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

(1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(a) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next; and

(b) In order to assist parents and teachers in their efforts to provide educational support to individual students, including students seeking a certificate of academic proficiency, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**Sec. 3.** RCW 28A.655.090 and 1999 c 388 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall report to schools, school districts, and the legislature on the results of the Washington assessment of student learning and state-mandated norm-referenced standardized tests. By 2005, the superintendent shall report the results only of those students whose enrollment in the district is continuous and uninterrupted from October 1st through the testing period, to the extent that the reporting period is permitted by federal law.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; and

(c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special

education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of statewide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English- proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines."

Correct the title.

Representatives Quall and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Talcott and Quall spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2195.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2195 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

March 17, 2003

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5024,  
ENGROSSED SENATE BILL NO. 5073,  
SECOND SUBSTITUTE SENATE BILL NO. 5074,  
SUBSTITUTE SENATE BILL NO. 5145,  
SUBSTITUTE SENATE BILL NO. 5550,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House suspended Rule 13c.

## SECOND READING

**HOUSE BILL NO. 1769, By Representatives Romero, Cooper, Dunshee, Linville and Edwards; by request of Governor Locke**

**Establishing a schedule of time limits under which local governments must develop or amend shoreline master plans.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1769 was substituted for House Bill No. 1769 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1769 was read the second time.

With the consent of the House, amendments (153), (154), (155), (245), and (252) were withdrawn.

Representative Schindler moved the adoption of amendment (152):

On page 1, line 11, after "department" insert "and approved by the legislature"

On page 3, after line 6, insert the following:

"(7) The requirement for local governments to develop or amend master programs according to this section shall be effective after the guidelines adopted by the department have been approved by the legislature."

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Romero moved the adoption of amendment (256):

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the shoreline management act and the shoreline master program guidelines implementing the policy of the shoreline management act are vital to the protection and preservation of Washington's shorelines. The legislature recognizes that in November 2000, the department of ecology comprehensively updated the guidelines for the first time since 1972. The legislature also recognizes that these guidelines were challenged and subsequently invalidated by the shoreline hearings board. The legislature finds that the mediation occurring among a wide range of parties resulted in an agreement for development of new shoreline master program guidelines for the state.

(2) The legislature recognizes that the process of developing and amending shoreline master programs requires substantial effort and coordination by local governments. To assist local governments in completing this process, the legislature intends to establish a staggered schedule for cities and counties to develop and amend master programs consistent with existing timelines for reviews and amendments of comprehensive plans and development regulations. The legislature also recognizes that several local governments have volunteered to comply with the provisions of this act before the newly established schedule and intends to reflect this in the schedule that is established by RCW 90.58.080.

(3) The legislature also intends to provide reasonable and adequate funding for grants to local governments to accomplish the task of reviewing and revising their shoreline master programs. If the legislature



in the future does not provide funding in any one biennium sufficient for reasonable and adequate grant funds, the legislature acknowledges that this may result in delaying the compliance date until the following biennium.

**Sec. 2.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to read as follows:

(1) The department shall periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

- (a) Development of master programs for regulation of the uses of shorelines; and
- (b) Development of master programs for regulation of the uses of shorelines of statewide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from the date the proposal has been published in the register.

(b) The department shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

(3) The department may (~~propose~~) adopt amendments to the guidelines not more than once each year. Such amendments shall be limited to: (a) addressing technical or procedural issues that result from the review and adoption of master programs under the guidelines; or (b) issues of guideline compliance with statutory provisions. ((At least once every five years)) Beginning July 1, 2015, and every seven years thereafter, the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section."

Re-number the sections consecutively and correct any internal references accordingly.

Correct the title.

On page 1, line 12, after "(2)" strike all material through "so" on page 3, line 6, and insert the following:

"(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Tacoma, the city of Port Townsend, the city of Bellingham, the city of Everett, and Whatcom county; and

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsections (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until seven years after

the applicable dates established by subsection (2)(a)(iii) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before the effective date of this section, shall not be required to complete master program amendments until seven years after the applicable date provided by subsection (2)(a)(iii) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsections (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsections (2)(a)(iii) through (vi) of this section.

(4) Local governments shall conduct a comprehensive review of their master programs at least once every seven years after the applicable dates established by subsections (2)(a)(iii) through (vi) of this section. Following the review required by this subsection (4), local governments shall, as necessary, revise their master programs. The purpose of the review and revision is:

(a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(b) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter RCW 36.70A RCW, if applicable, and other local requirements.

(5) Local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsections (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6)(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in subsection (6)(a) of this section shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of subsection (6)(a) of this section.

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003"

On page 3, at the beginning of line 9, insert the following:

"(1) The legislature intends to eliminate the limits on state funding of shoreline master program development and amendment costs. The legislature further intends that the state will provide funding to local governments that is reasonable and adequate to accomplish the costs of developing and amending shoreline master programs consistent with the schedule established by section 2 of this act. Except as specifically described herein, nothing in this act is intended to alter the existing obligation, duties, and benefits provided by the act to local governments and the department.

(2)"

On page 3, line 12, after "programs" insert "and the provisions of section 2 (7) of this act"

Representative Schindler moved the adoption of amendment (273) to amendment (256):

On page 1, line 14 of the amendment, after "agreement" insert "among the parties who participated in the mediation"

On page 3, beginning on line 8 of the amendment, after "~~years~~" strike all material through "section."" on line 11 of the amendment and insert "~~the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.~~)"

On page 4, beginning on line 29 of the amendment, after "section" strike all material through "section" on line 32 of the amendment

Beginning on page 4, line 33 of the amendment, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 1 of the amendment, strike all of subsection (7)

Representative Schindler spoke in favor of the adoption of the amendment to the amendment.

Representative Romero spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representatives Romero and Kirby spoke in favor of the adoption of amendment (256).

Representative Schindler spoke against the adoption of amendment (256).

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Clibborn and Linville spoke in favor of passage of the bill.

Representatives Mielke, Schindler, Ericksen and Mastin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1769.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1769 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Buck, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Roach, Schindler, Sehlín, Skinner, Sump and Woods - 37.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1933, By Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander**

**Modifying shoreline and growth management provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1933 was substituted for House Bill No. 1933 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1933 was read the second time.

Representative Schindler moved the adoption of amendment (249):

On page 2, after line 9, insert the following:

"**Sec. 2.** RCW 90.58.020 and 1995 c 347 s 301 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. The public interest and the statewide interest include the development of water-dependent publicly owned facilities and other facilities necessary for water-dependent economic development. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

**Sec. 3.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. This addition shall not be interpreted to create a priority among the listed goals in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3) As long as a shoreline master program has been approved by the department of ecology, a growth management hearings board reviewing a comprehensive plan or development regulation under RCW 36.70A.280 shall determine that the master program complies with the requirements of this chapter.

(4) Shorelines of the state may contain critical areas as defined in RCW 36.70A.030(5), but shall not be designated as critical areas under RCW 36.70A.170 based on their being either shorelines of the state or shorelines of statewide significance.

**Sec. 4.** RCW 36.70A.280 and 1996 c 325 s 2 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, (~~chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto,~~) or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 (~~or chapter 90.58 RCW~~); or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

(5) So long as a shoreline master program has been approved by the department of ecology, a growth management hearings board reviewing a comprehensive plan or development regulation under this section shall determine that the master program complies with the requirements of this chapter.

NEW SECTION. **Sec. 5.** This act shall apply to all shoreline master programs or amendments to shoreline master programs adopted after January 1, 2001."

Correct the title.

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Berkey spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Berkey moved the adoption of amendment (242):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the final decision and order in *Everett Shorelines Coalition v. City of Everett* and *Washington State Department Of Ecology*, Case No. 02-3-0009c, issued on January 9, 2003, by the central Puget Sound growth management hearings board was a case of first impression interpreting the addition of the shoreline management act into the growth management act, and that the board considered the appeal and issued its final order and decision without the benefit of shorelines guidelines to provide guidance on the implementation of the shoreline management act and the adoption of shoreline master programs. The legislature further finds that the department of ecology has proposed the adoption of new shoreline guidelines to provide guidance to state agencies and local governments in the implementation of the shoreline management act.

(2) This act is intended to affirm the legislature's intent that:

(a) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(b) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(c) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

(3) The legislature intends that upon adoption of revised shorelines guidelines after January 1, 2003, critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act.

**Sec. 2.** RCW 90.58.030 and 2002 c 230 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department:

PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

- (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
- (E) Padilla Bay--from March Point to William Point;
- (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;
  - (iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
  - (v) Those natural rivers or segments thereof as follows:
    - (A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,
    - (B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;
  - (vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);
  - (f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom. Shorelands shall also include any additional lands necessary for buffers required by shoreline master programs for critical areas within shorelines of the state;
  - (g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;
  - (h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.
- (3) Procedural terms:
  - (a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;
  - (b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;
  - (c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;
  - (d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;
  - (e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:
    - (i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

- (ii) Construction of the normal protective bulkhead common to single family residences;
- (iii) Emergency construction necessary to protect property from damage by the elements;
- (iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- (v) Construction or modification of navigational aids such as channel markers and anchor buoys;
- (vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
- (vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
- (viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- (ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
- (xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
  - (A) The activity does not interfere with the normal public use of the surface waters;
  - (B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - (C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - (D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
  - (E) The activity is not subject to the permit requirements of RCW 90.58.550;
- (xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

**Sec. 3.** RCW 90.58.090 and 1997 c 429 s 50 are each amended to read as follows:

- (1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.
- (2) Upon receipt of a proposed master program or amendment, the department shall:
  - (a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;
  - (b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;
  - (c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;



(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with shoreline guidelines revised and adopted after January 1, 2003, and if that segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest. If the department does not approve a segment of a local government master program relating to a shoreline of statewide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((5))~~ (6) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

~~((6))~~ (7) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 4.** RCW 90.58.190 and 1995 c 347 s 311 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090~~((4))~~ (5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter ~~((and chapter 36.70A RCW))~~, the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment.

**Sec. 5.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(a) As of the date the department of ecology approves a local government's shoreline master program adopted under revised shoreline guidelines effective after January 1, 2003, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state, including adjacent buffer zones, shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under revised shoreline guidelines adopted after January 1, 2003, shall not be subject to the procedural and substantive requirements of this chapter, provided nothing in this act is intended to change the applicability of the provisions of this chapter to agricultural activities as defined by RCW 90.58.065.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition

of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2)."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 90.58.030, 90.58.090, 90.58.190, and 36.70A.480; and creating a new section."

Representative Berkey spoke in favor of the adoption of the amendment.

Representative Schindler spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Berkey, Jarrett, Sullivan and Eickmeyer spoke in favor of passage of the bill.

Representatives Schindler, Mastin and Sump spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1933.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1933 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Chandler, Clements, Condotta, Cox, Crouse, Delvin, Hatfield, Hinkle, Holmquist, Mastin, McCoy, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pflug, Roach, Schindler, Sehlin, Shabro, Skinner and Sump - 31.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 1037,  
HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1274,  
HOUSE BILL NO. 1320,  
HOUSE BILL NO. 1477,  
HOUSE BILL NO. 1578,  
HOUSE BILL NO. 1581,  
HOUSE BILL NO. 1695,  
HOUSE BILL NO. 1735,

HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1796,  
HOUSE BILL NO. 1844,  
HOUSE BILL NO. 1878,  
HOUSE BILL NO. 1904,  
HOUSE BILL NO. 2014,  
HOUSE BILL NO. 2052,  
HOUSE BILL NO. 2086,

There being no objection, the House adjourned until 10:00 a.m., March 18, 2003, the 65<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, SPEAKER CYNTHIA ZEHNDER, CHIEF CLERK  
JOURNAL OF THE HOUSE

SIXTY FOURTH DAY, MARCH 17, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SIXTY FIFTH DAY**

---

House Chamber, Olympia, Tuesday, March 18, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karen Porter and Sean Phillips. Prayer was offered by Reverend Tony Irving, St. Benedict's Episcopal Church, Lacey.

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

**INTRODUCTION & FIRST READING**

HB 2222 by Representative Ericksen

AN ACT Relating to the Washington commerce corridor; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 2223 by Representatives Hunt, Alexander, Romero and Santos

AN ACT Relating to interest on building accounts; and reenacting and amending RCW 43.84.092.

Referred to Committee on Capital Budget.

HB 2224 by Representatives Simpson and Cooper

AN ACT Relating to the use of public facilities for lobbying; and amending RCW 44.04.170.

Referred to Committee on State Government.

SSB 5051 by Senate Committee on Commerce & Trade (originally sponsored by Senator Jacobsen)

AN ACT Relating to strong beer; amending RCW 66.24.244, 66.24.250, 66.24.261, 66.24.270, 66.24.290, 66.24.320, 66.24.330, 66.24.360, 66.24.371, 66.24.452, and 82.08.150; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5091 by Senators Carlson, Fraser, Shin and Spanel; by request of Joint Committee on Pension Policy

AN ACT Relating to public employees', teachers', and school employees' retirement systems plan 3 member contribution rates; and amending RCW 41.34.040.

Referred to Committee on Appropriations.

SSB 5117 by Senate Committee on Highways & Transportation (originally sponsored by Senators Eide and Kohl-Welles)

AN ACT Relating to sale, distribution, or installation of air bags; amending RCW 46.63.020; adding new sections to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5147 by Senators Winsley and Prentice; by request of Insurance Commissioner

AN ACT Relating to regulating automobile insurance; and amending RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, and 48.22.100.

Referred to Committee on Financial Institutions & Insurance.

SSB 5189 by Senate Committee on Higher Education (originally sponsored by Senators Benton, Swecker, Kohl-Welles, Shin, Stevens, Oke, Roach and Winsley)

AN ACT Relating to tuition and fees charged at institutions of higher education to military and naval veterans of the Korean conflict; amending RCW 28B.15.558; and creating a new section.

Referred to Committee on Higher Education.

SSB 5190 by Senate Committee on Highways & Transportation (originally sponsored by Senators Jacobsen, Horn, Haugen and Franklin)

AN ACT Relating to fuel tax evasion; amending RCW 82.36.380 and 82.38.270; adding new sections to chapter 82.36 RCW; adding new sections to chapter 82.38 RCW; creating a new section; repealing RCW 82.36.306 and 82.38.182; and prescribing penalties.

Referred to Committee on Transportation.

SSB 5193 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley, Horn, Franklin, Kohl-Welles, Oke and Kline; by request of Insurance Commissioner)

AN ACT Relating to property insurance for victims of malicious harassment; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5197 by Senators Swecker, Rasmussen, Jacobsen, Sheahan and Brandland; by request of Department of Agriculture

AN ACT Relating to moving a web site address from statute to rule; amending RCW 15.54.340; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5204 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, T. Sheldon, Jacobsen, Swecker, Kohl-Welles and Esser; by request of Department of Fish and Wildlife)

AN ACT Relating to enhancing watchable wildlife activities; amending RCW 77.12.170 and 77.32.380; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 5209 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Parlette, Stevens, Hale, Brandland, Mulliken, McCaslin and Oke)

AN ACT Relating to actions against health care providers; amending RCW 4.56.250, 7.70.070, 4.16.350, and 7.70.080; adding new sections to chapter 4.56 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; and creating new sections.

Referred to Committee on Judiciary.

SSB 5221 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Fairley, Stevens, Horn and Benton; by request of Secretary of State)

AN ACT Relating to reorganization of statutes on elections; amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055, 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170, 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050, 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092, 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080, 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127, 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070, 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190, 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130, 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040, 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360, 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100, 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020, 29.45.030, 29.45.050,

29.45.070, 29.45.120, 29.38.040, 29.38.060, 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080, 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040, 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100, 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030, 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010, 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160, 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100, 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136, 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047, 29.60.030, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.030, 29.10.011, 29.08.060, 29.08.030, 29.07.160, 29.07.230, 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097, 29.10.110, 29.10.180, 29.10.015, 29.10.071, 29.10.075, 29.10.200, 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130, 29.10.140, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.340, 29.33.360, 29.04.055, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.045, 29.24.055, 29.24.060, 29.15.130, 29.15.140, 29.15.044, 29.15.020, 29.15.040, 29.15.050, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210, 29.15.170, 29.15.180, 29.15.200, 29.15.230, 29.04.190, 29.68.070, 29.81.210, 29.81.220, 29.81.230, 29.81.240, 29.81.250, 29.81.260, 29.81.280, 29.81.290, 29.81.300, 29.81A.030, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.010, 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.085, 29.30.086, 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.230, 29.36.240, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.51.010, 29.51.180, 29.51.190, 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.48.030, 29.07.170, 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.070, 29.51.250, 29.07.180, 29.48.080, 29.48.045, 29.54.093, 29.51.115, 29.51.155, 29.45.040, 29.45.060, 29.45.065, 29.45.080, 29.45.090, 29.45.100, 29.45.110, 29.38.010, 29.38.020, 29.38.030, 29.38.050, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.27.050, 29.27.072, 29.27.074, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.015, 29.82.023, 29.82.060, 29.82.090, 29.82.100, 29.82.105, 29.82.130, 29.82.160, 29.71.020, 29.27.140, 29.74.020, 29.74.040, 29.74.050, 29.74.080, 29.74.120, 29.74.140, 29.74.150, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.27.120, 29.36.330, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.04.030, 29.65.050, 29.65.055, 29.65.070, 29.65.120, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.140, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.270, 29.79.280, 29.79.290, 29.70.100, 29.15.026, 29.42.040, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.15.080, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.010, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030, 29.91.040, 29.91.050, 29.13.023, and 29.13.024; adding new sections to chapter 35.22 RCW; adding a new title to the Revised Code of Washington to be codified as Title 29A RCW; creating new sections; recodifying RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081, 29.07.092, 29.07.160,

29.07.152, 29.07.030, 29.07.230, 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040, 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100, 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220, 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240, 29.10.125, 29.10.127, 29.10.130, 29.10.140, 29.10.150, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.340, 29.33.350, 29.33.360, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.04.055, 29.48.005, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.060, 29.24.070, 29.15.130, 29.15.140, 29.15.010, 29.15.044, 29.15.020, 29.15.090, 29.15.030, 29.15.040, 29.15.

Referred to Committee on State Government.

SSB 5264 by Senate Committee on Government Operations & Elections (originally sponsored by Senators West, Swecker, Jacobsen, Sheahan, Hargrove and Hale)

AN ACT Relating to the lieutenant governor; and amending RCW 43.43.035.

Referred to Committee on State Government.

ESSB 5270 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley)

AN ACT Relating to law enforcement mobilization; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on State Government.

SB 5273 by Senators Roach, Winsley, Kastama, Shin, Franklin, Rasmussen, Oke, Swecker, Schmidt, Reardon, West and McCaslin

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

Referred to Committee on State Government.

SB 5284 by Senators Stevens, Horn, Benton, Haugen, Oke, Swecker, Esser and Mulliken

AN ACT Relating to failure to use required traction equipment; amending RCW 47.36.250; and prescribing penalties.

Referred to Committee on Transportation.

SSB 5310 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Morton, Hargrove and Haugen)

AN ACT Relating to bond requirements for title insurance agents; and adding a new section to chapter 48.29 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5351 by Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Esser)



AN ACT Relating to state agency land use mandates; and amending RCW 36.70A.103.

Referred to Committee on Local Government.

SSB 5360 by Senate Committee on Commerce & Trade (originally sponsored by Senators West, Sheahan, Honeyford, Hewitt, Roach, Hale, Esser and Mulliken)

AN ACT Relating to false industrial insurance claims; amending RCW 51.48.020 and 51.48.270; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 5373 by Senators Roach, Fairley, Horn, Stevens and Winsley; by request of Secretary of State

AN ACT Relating to actions on the validity of ballot measures; and adding a new section to chapter 4.24 RCW.

Referred to Committee on State Government.

SB 5413 by Senators Benton, Prentice, Reardon, Doumit, Honeyford, Mulliken, Rossi, Zarelli, Finkbeiner, Shin, Esser and Kohl-Welles

AN ACT Relating to allowing out-of-state licensees to practice commercial real estate; amending RCW 18.85.010; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Commerce & Labor.

SB 5428 by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing

AN ACT Relating to renewal of driver's licenses and identicards by alternative means; amending RCW 46.20.035, 46.20.117, 46.20.120, 46.20.155, and 46.25.080; reenacting and amending RCW 46.20.055 and 46.20.070; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5429 by Senators Mulliken, Prentice and Horn; by request of Department of Licensing

AN ACT Relating to the Performance Registration Information Systems Management Program (PRISM); amending RCW 46.87.020 and 46.87.140; and adding new sections to chapter 46.87 RCW.

Referred to Committee on Transportation.

SB 5463 by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State

AN ACT Relating to a pilot project for military and overseas voters to vote over the Internet; and creating a new section.

Referred to Committee on State Government.

SSB 5473 by Senate Committee on Judiciary (originally sponsored by Senators Regala, B. Sheldon, Johnson, Kohl-Welles, Winsley and Rasmussen)

AN ACT Relating to providing law enforcement officers with training in interaction with persons with a developmental disability or mental illness; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 5474 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Regala, Stevens, McAuliffe, Carlson, Kohl-Welles, Winsley and Rasmussen)

AN ACT Relating to improving services for kinship caregivers; adding new sections to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

ESB 5517 by Senators B. Sheldon, Schmidt, Kohl-Welles, Oke, Poulsen, West and Rasmussen

AN ACT Relating to clarifying the apportionment of business and occupation taxes on certain businesses conducted both within and outside the state; and amending RCW 82.04.460.

Referred to Committee on Finance.

SSB 5520 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn and Oke; by request of Department of Transportation)

AN ACT Relating to authorizing the ferry system to use alternative public works contracting procedures; and amending RCW 39.10.020, 39.10.051, and 39.10.061.

Referred to Committee on Transportation.

SB 5651 by Senators Hargrove, Mulliken and T. Sheldon

AN ACT Relating to urban industrial land banks in counties with low population densities; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

ESSB 5680 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

AN ACT Relating to development regulations review by counties with low population densities; and amending RCW 36.70A.130.

Referred to Committee on Judiciary.

2SSB 5694 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen)

AN ACT Relating to an integrated permit system; and creating new sections.

Referred to Committee on State Government.

SSB 5708 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Franklin, Esser, Haugen, Thibaudeau, Kline and Kohl-Welles)

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 5728 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, McCaslin, T. Sheldon, Deccio, Schmidt, Parlette and Hale)

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 4.56.250, 4.16.350, 7.70.080, 7.70.060, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding a new section to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 4.16 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 4.92 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 26.44 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5758 by Senators Stevens, Hargrove and Kline

AN ACT Relating to technical reorganization of criminal statutes to simplify citation to offenses; amending RCW 2.48.180, 3.50.440, 4.24.320, 7.40.230, 9.05.030, 9.05.060, 9.08.065, 9.08.070, 9.16.080, 9.18.120, 9.18.130, 9.24.020, 9.24.030, 9.24.050, 9.26A.110, 9.35.020, 9.40.100, 9.40.120, 9.41.040, 9.41.042, 9.41.050, 9.45.020, 9.45.124, 9.45.126, 9.45.210, 9.45.220, 9.46.155, 9.46.215, 9.47.090, 9.47.120, 9.61.160, 9.61.230, 9.62.010, 9.68.060, 9.68A.090, 9.68A.150, 9.81.020, 9.81.030, 9.82.010, 9.86.020, 9.86.030, 9.91.140, 9.91.170, 9.94.010, 9.94.030, 9.94A.518, 9.94A.533, 9.94A.550, 9.94A.605, 9.94A.610, 9.94A.734, 9A.20.021, 9A.36.021, 9A.40.030, 9A.40.070, 9A.44.100, 9A.44.130, 9A.46.020, 9A.48.090, 9A.56.070, 9A.56.080, 9A.56.085, 9A.56.096, 9A.60.040, 9A.64.020, 9A.64.030, 9A.76.023, 9A.76.070, 9A.76.080, 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.160, 9A.84.010, 9A.88.010, 10.66.090, 10.79.015, 10.79.040, 10.95.020, 13.40.070, 13.40.160, 13.40.193, 13.40.265, 14.20.020, 15.21.060, 15.24.200, 15.26.300, 15.30.250, 15.60.055, 15.61.050, 15.80.650, 16.52.015, 16.52.190, 16.52.193, 16.52.200, 16.52.230, 16.58.170, 16.65.440, 17.10.350, 17.21.310, 17.24.100, 18.04.370, 18.06.130, 18.06.140, 18.08.460, 18.32.675, 18.32.745, 18.32.755, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.57.160, 18.64.045, 18.64.046, 18.64.047, 18.64.246, 18.64.270, 18.71.190, 18.92.230, 18.130.075, 18.130.190, 19.09.275, 19.25.020, 19.25.030, 19.25.040, 19.48.110, 19.68.010, 19.76.110, 19.86.145, 19.100.210, 19.105.480, 19.105.520, 19.110.120, 19.110.160, 19.116.080, 19.146.050, 19.146.110, 19.158.160, 20.01.482, 20.01.490, 21.20.400, 21.30.140, 24.06.465, 26.04.210, 28A.405.040, 28A.635.050, 28A.635.090, 28A.635.100, 28B.10.570, 28B.10.571, 28B.10.572, 28B.20.320, 28B.85.030, 29.04.120, 29.15.100, 29.15.110, 29.36.370, 29.51.200, 29.51.230, 29.79.440, 29.82.170, 30.04.240, 30.04.260, 30.12.090, 30.12.100, 30.12.120, 30.42.290, 30.44.110, 30.44.120, 31.12.724, 31.12.850, 32.04.100, 32.04.110, 32.24.080, 33.24.360, 35.32A.090, 35.36.040, 35A.36.040, 36.18.170, 36.28.060, 36.29.060, 36.32.210, 36.68.080, 36.69.180, 36.71.060, 36.75.130, 38.32.090, 38.32.120, 38.52.150, 39.44.101, 39.62.040, 40.16.010, 40.16.020, 40.16.030, 41.26.062, 41.32.055, 42.20.070, 42.20.090, 43.01.100, 43.06.220, 43.06.230, 43.08.140, 43.09.165, 43.19.1939, 43.22.300, 43.22.340, 43.30.310, 43.43.856, 43.70.185, 46.08.170, 46.09.130, 46.10.130, 46.12.070, 46.12.210, 46.12.220, 46.16.010, 46.44.175, 46.44.180, 46.52.010, 46.52.090, 46.55.020, 46.61.015, 46.61.020, 46.61.685, 46.64.010, 46.68.010, 46.70.021, 46.72.100, 46.72A.060, 46.72A.070, 46.80.020, 46.80.190, 46.87.260, 46.87.290, 47.36.180, 47.36.200, 47.36.250, 47.38.010, 47.41.070, 47.52.120, 47.68.233, 47.68.234, 47.68.240, 47.68.255, 48.06.030, 48.06.190, 48.17.480, 48.30.230, 48.30A.015, 48.31.105, 49.12.410, 49.28.010, 49.28.080, 49.28.100, 49.44.100, 49.44.120, 50.36.010, 50.36.020, 50.40.010, 51.48.040, 51.48.103, 51.48.280, 51.52.120, 53.08.220, 53.34.190, 61.12.030, 64.36.020, 64.36.210, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 66.20.200, 66.28.200, 66.28.210, 66.28.220, 66.44.120, 66.44.180, 66.44.290, 67.24.010, 67.70.120, 67.70.130, 67.70.140, 68.28.060, 68.50.100, 68.50.140, 68.50.145, 68.50.150, 68.50.250, 68.50.610, 68.56.040, 69.04.060, 69.04.070, 69.07.150, 69.25.150, 69.25.160, 69.40.020, 69.40.030, 69.41.030, 69.41.040, 69.41.050, 69.41.070, 69.41.300, 69.41.320, 69.41.330, 69.50.402, 69.50.403, 69.50.406, 69.50.408, 69.50.410, 69.50.415, 69.50.416, 69.50.430, 69.50.440, 69.50.505, 69.90.020, 70.05.120, 70.54.090, 70.54.160, 70.58.280, 70.74.180,

70.94.430, 70.95D.100, 70.105.085, 70.106.140, 70.108.130, 70.110.040, 70.111.030, 70.122.090, 70.127.020, 72.23.170, 72.23.300, 74.08.055, 74.08.100, 74.08.331, 76.12.140, 76.36.035, 76.36.110, 76.36.120, 76.48.120, 77.15.194, 77.15.196, 77.15.198, 78.12.061, 79.01.072, 79.01.748, 79.01.810, 79.76.290, 79A.05.165, 80.28.190, 80.28.210, 81.04.390, 81.40.010, 81.40.040, 81.40.060, 81.40.080, 81.40.130, 81.44.085, 81.54.030, 81.56.150, 81.60.070, 81.60.080, 81.64.090, 81.64.160, 81.68.080, 82.08.0273, 82.08.050, 82.36.330, 82.36.400, 82.44.120, 82.45.090, 82.49.065, 82.50.170, 84.08.050, 84.36.387, 84.40.120, 84.40.340, 87.03.200, 87.03.490, 88.02.055, 88.02.118, 88.08.020, 88.08.050, 88.46.080, 90.03.400, 90.48.140, and 90.56.300; reenacting and amending RCW 9.94A.030, 9.94A.515, 9A.46.110, 9A.82.010, 13.40.0357, 18.64.245, 69.41.020, 69.50.401, and 69.50.435; adding new sections to chapter 9.08 RCW; adding a new section to chapter 9.26A RCW; adding a new section to chapter 9.40 RCW; adding new sections to chapter 9.91 RCW; adding new sections to chapter 9A.56 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 19.76 RCW; adding a new section to chapter 19.110 RCW; adding a new section to chapter 69.25 RCW; adding new sections to chapter 69.41 RCW; adding new sections to chapter 69.50 RCW; creating a new section; recodifying RCW 69.41.070; repealing RCW 9.16.090, 9.18.140, 9.45.230, 9.61.170, 9.61.180, 9.68A.140, 9.68A.160, 9.86.050, 9.94.020, 10.79.045, 16.52.195, 18.06.150, 18.64.247, 26.04.230, 28A.405.050, 28A.635.120, 28B.10.573, 28B.20.322, 28B.20.324, 28B.85.110, 29.51.215, 33.24.380, 36.28.070, 36.28.080, 36.28.140, 36.29.070, 36.32.215, 36.32.220, 36.32.225, 36.32.230, 36.75.140, 36.75.150, 43.01.110, 43.22.345, 47.36.210, 47.36.220, 47.36.230, 47.38.030, 48.30A.025, 49.28.020, 49.28.030, 49.28.082, 49.28.084, 49.28.110, 49.44.110, 49.44.130, 61.12.031, 64.36.230, 66.28.250, 66.44.291, 68.50.260, 69.90.040, 70.54.100, 70.54.170, 70.110.060, 70.111.050, 70.127.210, 78.12.062, 81.40.030, 81.40.050, 81.40.070, 81.40.090, 81.40.120, 81.40.140, 81.60.090, 81.64.100, 81.64.110, and 81.64.170; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

SB 5782 by Senators Horn and Haugen

AN ACT Relating to driving record abstracts furnished to transit authorities; and reenacting and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5783 by Senators Finkbeiner and Regala; by request of Department of Revenue

AN ACT Relating to implementing the streamlined sales and use tax agreement; amending RCW 82.08.010, 82.12.010, 82.04.040, 82.04.050, 82.14.050, 82.14.070, 82.08.050, 82.04.470, 82.08.064, 82.14.055, 82.32.430, 82.08.02566, 82.12.02566, 82.08.037, 82.12.020, 82.12.040, 82.12.060, 82.08.0293, 82.12.0293, 66.28.190, 82.04.272, 82.04.4289, 82.08.0281, 82.12.0275, 82.08.0283, 82.12.0277, 82.14.020, 82.04.215, 82.04.29001, 82.12.0284, and 82.04.120; amending 2002 c 67 s 18 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.02 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

ESSB 5807 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Deccio, Brandland, Mulliken, Carlson, Honeyford, Hewitt, Stevens, Oke, Sheahan and Winsley)

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.100, and 70.47.130; reenacting and amending RCW 48.43.005; adding new sections to chapter 70.47 RCW; repealing RCW 70.47.015, 70.47.080, 70.47.090, and 70.47.115; and declaring an emergency.

Referred to Committee on Health Care.

SSB 5859 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Benton)

AN ACT Relating to creating the crime of mineral trespass; reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; adding new sections to chapter 78.44 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5861 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin)

AN ACT Relating to criminal impersonation of a veteran of the armed forces; amending RCW 9A.60.040; and prescribing penalties.

Referred to Committee on State Government.

SSB 5868 by Senate Committee on Highways & Transportation (originally sponsored by Senators Brown, West, Sheahan and Kohl-Welles)

AN ACT Relating to driving abstracts of prospective volunteers; and reenacting and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5895 by Senators Rasmussen, Swecker, Shin and Sheahan

AN ACT Relating to requiring the apple commission board positions to be composed of fifteen members allocated on a geographic basis; and amending RCW 15.24.020 and 15.24.030.

Referred to Committee on Agriculture & Natural Resources.

SB 5898 by Senators Oke, Doumit, Esser, Jacobsen, Swecker, Fraser and Shin

AN ACT Relating to recreational boating; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 5933 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hargrove, Franklin and Kline)

AN ACT Relating to cigarette tax contracts; and amending RCW 43.06.460.

Referred to Committee on Finance.

SSB 5966 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Winsley)

AN ACT Relating to increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas; amending RCW 18.32.215; and creating a new section.

Referred to Committee on Health Care.

SB 5970 by Senator Hargrove

AN ACT Relating to correcting a technical error to clarify that the family law handbook shall be provided when a person applies for a marriage license; and amending RCW 2.56.180.

Referred to Committee on Juvenile Justice & Family Law.

ESB 5971 by Senators Fairley, Zarelli, Poulsen, Rossi, Hargrove, Deccio, Rasmussen and Winsley

AN ACT Relating to residential habilitation centers; amending RCW 28A.190.020, 71A.20.020, 71A.20.050, 71A.20.080, and 72.05.010; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; creating a new section; and repealing RCW 71A.20.030.

Referred to Committee on Appropriations.

SB 5994 by Senators Hewitt, Reardon, Honeyford, Haugen, Rossi, Hale, Mulliken and T. Sheldon

AN ACT Relating to removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW; amending RCW 19.126.010 and 19.126.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5996 by Senate Committee on Economic Development (originally sponsored by Senators West, Brown, Kohl-Welles, T. Sheldon, Shin, Hale, Rossi, Fairley, Spanel, Franklin, Parlette, McAuliffe, Rasmussen and Winsley)

AN ACT Relating to hosting the 2005 conference of the national conference of state legislatures and other government conferences; creating new sections; amending RCW 42.52.150; adding a new section to chapter 42.52 RCW; and providing an expiration date.

Referred to Committee on State Government.

SSCR 8401 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Johnson, Shin, Jacobsen, McAuliffe, Schmidt, Rasmussen and B. Sheldon)

Authorizing an interim study creating a master plan for education.

Referred to Committee on Higher Education.

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

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

## **SECOND READING**

**HOUSE BILL NO. 1299, By Representatives Cody, Sommers, Morrell, Schual-Berke and Dickerson**

**Providing for evidence-based health services purchasing by state purchased health care programs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1299 was substituted for House Bill No. 1299 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1299 was read the second time.

Representative Cody moved the adoption of amendment (262):

On page 1, line 7, strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority shall coordinate state agency efforts to develop and implement uniform policies across state purchased health care programs that will ensure prudent, cost-effective health services purchasing, maximize efficiencies in administration of state purchased health care programs, improve the quality of care provided through state purchased health care programs, and reduce administrative burdens on health care providers participating in state purchased health care programs. The policies adopted should be based, to the extent possible, upon the best available scientific and medical evidence and shall endeavor to address:

(a) Methods of formal assessment, such as health technology assessment. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board;

(b) Monitoring of health outcomes, adverse events, quality, and cost-effectiveness of health services;

(c) Development of a common definition of medical necessity; and

(d) Exploration of common strategies for disease management and demand management programs.

(2) The administrator may invite health care provider organizations, carriers, other health care purchasers, and consumers to participate in efforts undertaken under this section.

(3) For the purposes of this section "best available scientific and medical evidence" means the best available external clinical evidence derived from systematic research.

**NEW SECTION. Sec. 2.** Agencies administering state purchased health care programs shall cooperatively adopt rules necessary to implement this act."

Representatives Cody and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Alexander and Pflug spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Clements, Representatives Buck and Shabro were excused. On motion of Representative Uptegrove, Representatives Kessler, McIntire, Santos and Schual-Berke were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1299.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1299 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Buck, Kessler, McIntire, Santos, Schual-Berke and Shabro - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 17, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5169,  
SUBSTITUTE SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5365,  
SUBSTITUTE SENATE BILL NO. 5579,  
SUBSTITUTE SENATE BILL NO. 5661,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5776,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,  
SENATE BILL NO. 5845,  
SENATE BILL NO. 5893,  
SUBSTITUTE SENATE BILL NO. 5910,  
SUBSTITUTE SENATE BILL NO. 5974,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

**SECOND READING**

**HOUSE BILL NO. 1037, By Representatives Gombosky, Cairnes, Linville, Wood, Mielke, Sullivan and Nixon**

**Exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises.**

The bill was read the second time.

Representative Gombosky moved the adoption of amendment (277):

On page 2, after line 2, insert the following:

**"NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Gombosky and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Clements, Representative Skinner was excused.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1037.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1037 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative McIntire - 1.

Excused: Representatives Santos, Shabro and Skinner - 3.

ENGROSSED HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 1037.

JIM MCINTIRE, 46<sup>th</sup> District

**HOUSE BILL NO. 1085, By Representatives Schual-Berke, Benson and Simpson; by request of Insurance Commissioner**

**Providing confidentiality to certain insurance commissioner examinations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1085.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1085 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Santos, Shabro and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1085.

LYNN SCHINDLER, 4<sup>th</sup> District

### **HOUSE BILL NO. 1695, By Representatives Quall, Morris and Edwards**

#### **Providing tax incentives for certain multiple-unit dwellings in urban centers.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1695 was substituted for House Bill No. 1695 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1695 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Schindler and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1695.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1695 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Santos, Shabro and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 1695, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1796, By Representatives Murray, Hankins, Dunshee, Anderson, Lantz, Eickmeyer, McIntire, Kagi, Conway, Kenney, Schual-Berke, Wood, Lovick, Santos and Edwards**

### **Funding driver's education for low-income students.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1796 was substituted for House Bill No. 1796 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1796 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood, Schual-Berke, Murray, Benson, Hudgins and Hankins spoke in favor of passage of the bill.

Representatives Ericksen, Clements and Cairnes spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1796.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1796 and the bill passed the House by the following vote: Yeas - 54, Nays - 41, Absent - 0, Excused - 3.

Voting yea: Representatives Benson, Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Schindler, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Eickmeyer, Ericksen, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schoesler, Sehlin, Sump, Talcott, Tom, Wallace and Woods - 41.

Excused: Representatives Santos, Shabro and Skinner - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1796, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2086, By Representatives O'Brien, Cody, Sullivan, Kagi, Lantz and Chase**

#### **Authorizing use of an approved community option as an alternative to total confinement.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Kagi spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

There being no objection, the House deferred action on HOUSE BILL NO. 2086 and the bill held its place on Third Reading.

## MESSAGE FROM THE SENATE

March 13, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5403 and requests a conference thereon. The Senate has appointed the following conferees:

Senator Rossi, Senator Failey and Senator Zarelli

and the same is herewith transmitted.

Milt H. Doumit, Secretary

### MOTION

On motion of Representative Sommers, the House granted the Senate's request for a conference on SUBSTITUTE SENATE BILL NO. 5403.

### APPOINTMENT OF CONFEREES

The Speaker (Representative Lovick presiding) appointed Representatives Sommers, Fromhold and Sehlin as conferees on Substitute Senate Bill No. 5403.

**HOUSE BILL NO. 2197, By Representatives Conway, Benson, Grant, McDonald, Dunshee, Cox, Ruderman, Buck, Miloscia, Delvin, Cooper, Hinkle, Gombosky, Campbell, Simpson, Linville, Hunt, Berkey and Bush**

#### **Implementing Initiative Measure No. 790.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2197 was substituted for House Bill No. 2197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2197 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Benson and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2197.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2197 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Shabro - 1.

SUBSTITUTE HOUSE BILL NO. 2197, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2119, By Representatives Linville, Morris, Romero, Kagi, Kirby, Edwards, Wallace, Chase, Cooper, Hunt and Upthegrove**

**Establishing the Washington climate action registry.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2119 was substituted for House Bill No. 2119 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2119 was read the second time.

With the consent of the House, amendment (229) was withdrawn.

Representative Morris moved the adoption of amendment (278):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of the Washington climate action registry is to assist entities that voluntarily choose to record their greenhouse gas emission inventories in order to gain recognition for emission reductions under any future federal regulatory regime and to trade emission credits. To that end, the Washington climate and rural energy development center may:

- (1) Provide technical and educational resources to registrants;
- (2) Publish basic definitions and protocols and identify organizations qualified to provide technical assistance to registrants;
- (3) Assist registrants, if requested by the registrant, to devise protocols, reporting formats, and verification procedures as may be sought by the registrant to ensure the credibility of the information recorded in the registry; and
- (4) Develop protocols for a specific economic sector that apply to all registrants in that sector if sectorwide protocols are requested by a registrant of that economic sector.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Center" means the Washington climate and rural energy development center established in RCW 28B.30.642.
- (2) "Direct emissions" are emissions from sources, sinks, and activities that an entity owns or has direct or effective control over, such as, but not limited to, on-site combustion and process equipment emissions.
- (3) "Emissions" means the net of release and absorption of greenhouse gases into or from the ambient air.
- (4) "Emissions inventory" means the report of emissions and normalized emissions for a calendar year.
- (5) "Entity" means a for-profit or a nonprofit corporation filing a separate federal income tax return, a city or county, each state government department and agency, and all political subdivisions of the state.
- (6) "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at wavelengths within the spectrum of infrared radiation emitted by the earth's surface, atmosphere, and clouds.
- (7) "Normalized emissions" means a ratio of emissions per unit time divided by a factor such as, but not limited to, revenues, expenditures, energy use, or production for the same time period and for the same scope as the emissions.
- (8) "Normalized emissions for electrical generation facilities" means a measurement of emissions based on pounds, or the metric equivalent of pounds, of emissions per megawatt hour.
- (9) "Primary greenhouse gas" means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.
- (10) "Registrant" means an entity that has voluntarily filed with the registry information, notified the center that it intends to record emissions inventories, and has paid the necessary fees.
- (11) "Registry" means the Washington climate action registry.
- (12) "Scope" means the sources, sinks, and activities creating emissions designated by the center.

(13) "Subsidiary" means an entity effectively under the control of a parent entity, including but not limited to, public and private nonprofit and for-profit corporations, whose board of directors or similar managing authority is composed of a majority of persons appointed by either the legislative or executive authority, or both, of the parent entity. However, each department and independent agency of the state and each municipal electric utility may not be considered a subsidiary of a parent entity for the purpose of this chapter. "Subsidiary" includes entities that are joint ventures with other entities with emissions assigned to the parent entities according to mutual agreement or in the absence of an agreement in proportions determined by the protocols of the registry.

**NEW SECTION. Sec. 3.** (1) The center may establish and maintain the registry to assist entities that voluntarily register emission inventories in receiving recognition under any future federal regulatory scheme relating to greenhouse gases and trading emissions credits. An entity operating in the state may voluntarily register with the center and use the services of the center.

(2) The center may: (a) Adopt protocols for defining the scope of emissions inventories, and for measuring, calculating, reporting, and verifying emissions, normalized emissions, and emission inventories; (b) adopt a uniform format for reporting emissions inventories; and (c) maintain a record of verified emissions inventories submitted by active registrants.

(3) The center may adopt procedures for delisting registrants and adopt fees to: (a) Recover any costs necessary to maintain the registry; (b) develop protocols for a specific economic sector under section 5 of this act; and (c) provide assistance to registrants.

(4) All records or other information furnished to the registry by a registrant remain the property of the registrant in perpetuity. Nothing in this chapter may be construed to affect in any way the right of privacy and confidentiality of a registrant's records or other information.

**NEW SECTION. Sec. 4.** (1) A registrant that voluntarily reports its emission inventories with the center may report emissions for which it may seek recognition under any future regulatory scheme or for credit trading.

(2) Except as provided in section 5 of this act, registrants may:

(a) File with the registry as an entity and may report emission inventories for subsidiaries, individual facilities, or projects, as a subset of an entity's entire emissions inventory report. A registrant may separately report emissions inventories for subsidiaries, facilities, projects, or portions of the entity in other countries, and it may report emissions inventories for subsidiaries or individual facilities located in the state or report emissions inventory for its entire operations. A registrant's scope may include all activities, sources, and sinks in the state and may include the remainder of the entity in the United States. A registrant may report verified emissions inventories for sequential multiple years after January 1, 1990, from facilities or activities outside the entity for which it claims ownership of the net change in emissions;

(b) Record an emissions inventory by calendar year. Registrants that have sufficiently complete data for prior years that can be verified may record emissions inventories for consecutive years before the first year for which they report, but not before January 1, 1990;

(c) Separately identify within their annual emissions inventories any rights or ownership to emissions or emissions credits by year, that have been acquired from or transferred to: (i) Other entities located within or outside the state; or (ii) within the registrant entity, including its subsidiaries, to or from locations outside the state that would not otherwise be included in a registrant's report. An explanatory note may be included in the registry to prior years' data when there is a change in the procedures or protocols by which a registrant's emissions inventories are created. Registrants may record emissions inventories with separately identified adjustments to report any change in scope. Registrants may record verified revised emissions inventories for prior years to conform to current protocols or current scope. Where the scope of the registrant changes significantly during the year, the center may record with the registry for the year in which the scope change occurs an emissions inventory including only the scope of the prior year and shall add an explanatory note to the record;

(d) Identify and quantify any portion of the emissions inventory that is being reported to any other registry of greenhouse gas emissions, any differences between the reports, and the name and address of the other registry; and

(e) Hire, at their own expense, a third-party organization or person qualified under this chapter to independently verify and attest to the accuracy of the emission results reported by the registrant to the registry.

**NEW SECTION. Sec. 5.** If a registrant requests that protocols be developed for the specific economic sector in which the registrant files its emissions inventory, the center shall develop protocols for that specific economic sector. In developing the protocols, the center must take into consideration input from other potential registrants, public and private sector interests, and any source necessary to accomplish the goals of this chapter. Protocols must be developed for defining the scope of emissions inventories, and for measuring, calculating, reporting, and verifying emissions, normalized emissions, and emissions inventories for a specific economic sector. The center may register and record only those inventories of registrants that choose to record greenhouse

gas emissions inventories using the protocols developed by the center under this section for a specific economic sector.

**NEW SECTION. Sec. 6.** (1) The center may develop a procedure for identifying and qualifying third-party organizations or persons who can provide registrants competent technical assistance and advice in any or all of the areas of verifying emission inventories, measuring, monitoring, and calculating greenhouse gas emissions, and identifying appropriate emissions reduction targets. The center may limit its recognition of the organization or person to specific areas of competency. The center may reopen the qualification process periodically to enable new organizations and persons to be added to the list.

(2) All records or other information furnished to or reviewed by a person under this section remain the property of the registrant in perpetuity. Nothing in this chapter may be construed to affect in any way the right of privacy and confidentiality of a registrant's records or other information.

**NEW SECTION. Sec. 7.** If a mandatory federal greenhouse gas emissions registry is enacted, the director of the center must report to the legislature as soon as practical on any conflicts with this chapter. The center shall certify the date on which a mandatory federal greenhouse gas registry becomes operational. As of the date certified by the center, the center may no longer accept emissions inventories for registration with the state greenhouse gas emissions registry.

**NEW SECTION. Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Crouse, Morris, DeBolt and Linville (again) spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2119.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2119 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Clements, Hinkle and Newhouse - 4.

Excused: Representative Shabro - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2119, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1844, By Representatives Schual-Berke, Benson, Simpson, Morrell, McIntire, Mielke, Hudgins, Rockefeller and Bush**

**Criminalizing possession of instruments or equipment of financial fraud.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1844 was substituted for House Bill No. 1844 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1844 was read the second time.

Representative Schual-Berke moved the adoption of amendment (280):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of unlawful production of payment instruments if he or she prints or produces a check or other payment instrument in the name of a person or entity, or with the routing number or account number of a person or entity, without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number.

(2)(a) A person is guilty of unlawful possession of payment instruments if he or she possesses two or more checks or other payment instruments, alone or in combination:

(i) In the name of a person or entity, or with the routing number or account number of a person or entity, without the permission of the person or entity to possess such payment instrument, and with intent either to deprive the person of possession of such payment instrument or to commit theft, forgery, or identity theft; or

(ii) In the name of a fictitious person or entity, or with a fictitious routing number or account number of a person or entity, with intent to use the payment instruments to commit theft, forgery, or identity theft.

(b) (a)(i) of this subsection does not apply to:

(i) A person or financial institution that has lawful possession of a check, which is endorsed to that person or financial institution; and

(ii) A person or financial institution that processes checks for a lawful business purpose.

(3) A person is guilty of unlawful possession of a personal identification device if the person possesses a personal identification device with intent to use such device to commit theft, forgery, or identity theft. "Personal identification device" includes any machine or instrument whose purpose is to manufacture or print any driver's license or identification card issued by any state or the federal government, or any employee identification issued by any employer, public or private, including but not limited to badges and identification cards, or any credit or debit card.

(4) A person is guilty of unlawful possession of fictitious identification if the person possesses a personal identification card with a fictitious person's identification with intent to use such identification card to commit theft, forgery, or identity theft, when the possession does not amount to a violation of RCW 9.35.020.

(5) A person is guilty of unlawful possession of instruments of financial fraud if the person possesses a check-making machine, equipment, or software, with intent to use or distribute checks for purposes of defrauding an account holder, business, financial institution, or any other person or organization.

(6) This section does not apply to:

(a) A person, business, or other entity, that has lawful possession of a check, which is endorsed to that person, business, or other entity;

(b) A financial institution or other entity that processes checks for a lawful business purpose;

(c) A person engaged in a lawful business who obtains another person's personal identification in the ordinary course of that lawful business;

(d) A person who obtains another person's personal identification for the sole purpose of misrepresenting his or her age; and

(e) A law enforcement agency that produces or displays counterfeit credit or debit cards, checks or other payment instruments, or personal identification devices for investigative or educational purposes.

(7) In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(8) A violation of this section is a class C felony.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.56 RCW to read as follows:



(1) A person is guilty of possession of another's identification if the person knowingly possesses personal identification bearing another person's identity, when the person possessing the personal identification does not have the other person's permission to possess it, and when the possession does not amount to a violation of RCW 9.35.020.

(2) This section does not apply to:

(a) A person who obtains, by means other than theft, another person's personal identification for the sole purpose of misrepresenting his or her age;

(b) A person engaged in a lawful business who obtains another person's personal identification in the ordinary course of business;

(c) A person who finds another person's lost personal identification, does not intend to deprive the other person of the personal identification or to use it to commit a crime, and takes reasonably prompt steps to return it to its owner; and

(d) A law enforcement agency that produces or displays counterfeit credit or debit cards, checks or other payment instruments, or personal identification for investigative or educational purposes.

(3) In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(4) A violation of this section is a gross misdemeanor.

**Sec. 3.** RCW 9A.56.280 and 1993 c 484 s 1 are each amended to read as follows:

As used in RCW 9A.56.280 (~~and~~), 9A.56.290, 9A.60.020, and sections 1 and 2 of this act, unless the context requires otherwise:

(1) "Cardholder" means a person to whom a credit card is issued or a person who otherwise is authorized to use a credit card.

(2) "Check" means a negotiable instrument that meets the definition of "check" under RCW 62A.3-104 or a blank form instrument that would meet the definition of "check" under RCW 62A.3-104 if it were completed and signed.

(3) "Credit card" means a card, plate, booklet, credit card number, credit card account number, or other identifying symbol, instrument, or device that can be used to pay for, or to obtain on credit, goods or services.

~~((3))~~ (4) "Credit card transaction" means a sale or other transaction in which a credit card is used to pay for, or to obtain on credit, goods or services.

~~((4))~~ (5) "Credit card transaction record" means a record or evidence of a credit card transaction, including, without limitation, a paper, sales draft, instrument, or other writing and an electronic or magnetic transmission or record.

~~((5))~~ (6) "Debit card" means a card used to obtain goods or services by a transaction that debits the cardholder's account, rather than extending credit.

(7) "Financial information" means financial information as defined in RCW 9.35.005.

(8) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized under state or federal law to do business and accept deposits in Washington.

~~((6))~~ (9) "Means of identification" means means of identification as defined in RCW 9.35.005.

(10) "Merchant" means a person authorized by a financial institution to honor or accept credit cards in payment for goods or services.

~~((7))~~ (11) "Person" means an individual, partnership, corporation, trust, or unincorporated association, but does not include a financial institution or its authorized employees, representatives, or agents.

(12) "Personal identification" means any driver's license, passport, or identification card actually or purportedly issued by any federal, state, local or foreign governmental entity; any credit card or debit card; or any employee identification card actually or purportedly issued by any employer, public or private, including but not limited to a badge or identification or access card.

**Sec. 4.** RCW 9A.56.290 and 1993 c 484 s 2 are each amended to read as follows:

(1) A person commits the crime of unlawful factoring of a credit card transaction if the person, with intent to commit fraud or theft against a cardholder, credit card issuer, or financial institution, causes any such party or parties to suffer actual monetary damages that in the aggregate exceed one thousand dollars, by:

(a) Presenting to or depositing with, or causing another to present to or deposit with, a financial institution for payment a credit card transaction record that is not the result of a credit card transaction between the cardholder and the person;

(b) Employing, soliciting, or otherwise causing a merchant or an employee, representative, or agent of a merchant to present to or deposit with a financial institution for payment a credit card transaction record that is not the result of a credit card transaction between the cardholder and the merchant; or

(c) Employing, soliciting, or otherwise causing another to become a merchant for purposes of engaging in conduct made unlawful by this section.

(2) Normal transactions conducted by or through airline reporting corporation-appointed travel agents or cruise-only travel agents recognized by passenger cruise lines are not considered factoring for the purposes of this section.

(3) In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(4) Unlawful factoring of a credit card transaction is a class C felony.

**Sec. 5.** RCW 9A.60.020 and 1975-'76 2nd ex.s. c 38 s 13 are each amended to read as follows:

(1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) He possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(3) Forgery is a class C felony.

**Sec. 6.** RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in section 1 of this act;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

~~((m))~~ (n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

~~((n))~~ (o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

~~((o))~~ (p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

~~((p))~~ (q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

~~((q))~~ (r) Trafficking in stolen property, as defined in RCW 9A.82.050;

~~((r))~~ (s) Leading organized crime, as defined in RCW 9A.82.060;

~~((s))~~ (t) Money laundering, as defined in RCW 9A.83.020;

~~((t))~~ (u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

~~((u))~~ (v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

~~((v))~~ (w) Promoting pornography, as defined in RCW 9.68.140;

~~((w))~~ (x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

~~((x))~~ (y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

~~((y))~~ (z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

~~((z))~~ (aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

~~((aa))~~ (bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

~~((bb))~~ (cc) A pattern of equity skimming, as defined in RCW 61.34.020;

~~((cc))~~ (dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

~~((dd))~~ (ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

~~((ee))~~ (ff) Unlawful practice of law, as defined in RCW 2.48.180;

~~((ff))~~ (gg) Commercial bribery, as defined in RCW 9A.68.060;

~~((gg))~~ (hh) Health care false claims, as defined in RCW 48.80.030;

~~((hh))~~ (ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

~~((ii))~~ (jj) Improperly obtaining financial information, as defined in RCW 9.35.010; or

~~((jj))~~ (kk) Identity theft, as defined in RCW 9.35.020.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

**Sec. 7.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV,

or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

### VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW

69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any  
controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle  
in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually  
explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety  
of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion)  
(RCW 9A.44.100(1) (b) and (c))



Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110,  
9A.72.130)

Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver  
narcotics from Schedule I or II (except heroin or  
cocaine) or flunitrazepam from Schedule IV (RCW  
69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW  
v 9A.42.060)

Advancing money or property for extortionate  
extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW  
9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person  
eighteen or over to person under eighteen (RCW  
69.52.030(2))

Domestic Violence Court Order Violation (RCW  
10.99.040, 10.99.050, 26.09.300, 26.10.220,  
26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit  
(RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW  
9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW III 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes  
(RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled  
substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled  
Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW  
81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)



Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree  
(RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW  
69.53.010)

Vehicular Assault, by the operation or driving of a  
vehicle with disregard for the safety of others (RCW  
46.61.522)

Willful Failure to Return from Work Release (RCW  
72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled  
substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW I 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (section 1 of this act)

Unlawful Possession of Instruments of Financial Fraud (section 1 of this act)

Unlawful Possession of Payment Instruments (section 1 of this act)

Unlawful Possession of a Personal Identification Device (section 1 of this act)

Unlawful Production of Payment Instruments (section 1 of this act)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 8.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW  
70.74.270(1))

Assault 1 (RCW 9A.36.011)  
XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)  
XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW

70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any  
vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle  
in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))



Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110,  
9A.72.130)

Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW  
9A.42.060)

Advancing money or property for extortionate  
extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW  
9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW  
9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9A.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW  
9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of  
intoxicating liquor or any drug, or by the operation or  
driving of a vehicle in a reckless manner (RCW  
46.61.522)

Willful Failure to Return from Furlough (RCW  
72.66.060)

Abandonment of dependent person 2 (RCW  
III 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW  
9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes  
(RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW  
81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled  
Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property  
(valued at one thousand five hundred dollars or more)  
(RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business  
(RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW  
I 46.61.024)



False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification  
(section 1 of this act)

Unlawful Possession of Instruments of Financial Fraud  
(section 1 of this act)

Unlawful Possession of Payment Instruments (section 1 of this act)

Unlawful Possession of a Personal Identification Device (section 1 of this act)

Unlawful Production of Payment Instruments (section 1 of this act)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. Sec. 9. Section 7 of this act expires July 1, 2004.

NEW SECTION. Sec. 10. Section 8 of this act takes effect July 1, 2004."

Correct the title.

Representatives Schual-Berke and Benson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1844.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1844 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Shabro - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1878, By Representatives Dickerson and Pettigrew**

**Providing the courts access to information in third-party custody petitions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1878.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1878 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Shabro - 1.

HOUSE BILL NO. 1878, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1095, By Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen; by request of Commissioner of Public Lands**

**Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1095 was read the second time.

Representative Kristiansen moved the adoption of amendment (177):

On page 2, beginning on line 32, after "without" strike "a significant portion of that cost being shared by the public" and insert "that cost being paid for by the public"

On page 2, beginning on line 35, after "therefore," strike "no small forest landowner should be required to repair a fish barrier" and insert "no fish barrier occurring on land owned by a small forest landowner should be required to be repaired"

On page 10, line 20, after "state-led" strike "cost-sharing"

On page 11, beginning on line 13, after "(4)" strike all material through "section." on line 30 and insert "In implementing the program established in this section, the small forest landowner office shall provide one hundred percent funding for the removal of any fish barrier or the replacement of any culvert."

On page 11, beginning on line 31, after "landowner" strike all material through "In-kind services" on line 35 and insert "voluntarily chooses to contribute to the project occurring on his or her land, the landowner may provide direct monetary contributions or services to the project. Services"

On page 11, beginning on line 36, after "services" strike all material through "culvert" on line 38

Representatives Kristiansen and Orcutt spoke in favor of the adoption of the amendment.

Representative Rockefeller spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (169):

On page 11, line 23, after "(c)" insert the following:

"In no case shall a small forest landowner be required to pay a cumulative total of more than two times the maximum amount that could be required under subsection (b)(ii) of this section: (i) For any individual block of forest land; or (ii) across multiple blocks of forest land owned by the same small forest landowner in any one calendar year. Consistent with this section, the small forest landowner office must prioritize, fund, and complete all projects on land owned by small forest landowners whether or not the landowner has paid the maximum amount required under this subsection.

(d)"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Rockefeller spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Sump, Linville, Buck, Orcutt and Grant spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1095.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1095 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Armstrong, Berkey, Blake, Boldt, Buck, Cairnes, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Anderson, Bailey, Benson, Bush, Campbell, Chandler, Clements, Cox, Delvin, Hatfield, Hinkle, Holmquist, Kessler, Mastin, Newhouse, Pflug, Roach, Sehlin, and Skinner - 20.

SECOND SUBSTITUTE HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1737, By Representatives McIntire, Morris, Conway and Simpson**

**Repealing outdated and unused tax preferences.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1737 was substituted for House Bill No. 1737 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1737 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1737.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1737 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Boldt, Flannigan, and Mastin - 3.

SUBSTITUTE HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1869, By Representatives McIntire, Gombosky, Morris, Conway, Santos, Haigh, Kagi, Hunt, Linville, Dunshee, Chase, Simpson, Moeller, Lovick, Cody, Murray, Upthegrove, Veloria and Wood**

**Requiring performance audits for tax preferences.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1869 was substituted for House Bill No. 1869 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1869 was read the second time.

Representative Priest moved the adoption of amendment (237):

On page 2, strike lines 3 through 31, and insert:

"(2) The commission has seven members as follows:

- (a) One member is the state auditor, who is a nonvoting member;
  - (b) One member is the chair of the joint legislative audit and review committee, who is a nonvoting member;
  - (c) The chair of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives shall each appoint a member. None of these appointees may be members of the legislature; and
  - (d) The governor shall select the seventh member.
- (3) Persons appointed by the caucus chairs should be individuals who represent a balance of perspectives and constituencies, and have a basic understanding of state tax policy, government operations, and public services. These appointees should have knowledge and expertise in performance management, fiscal analysis, strategic planning, economic development, performance assessments, or closely related fields."

Renumber subsections and correct references accordingly.

On page 3, line 6, after "initial" strike everything through "term" on line 8 and insert "terms, the members appointed by the chairs of senate caucuses shall serve four-year terms, the members appointed by chairs of house of representatives caucuses shall serve three-year terms, and the member appointed by the governor shall serve a two-year term"

Representatives Priest, Armstrong and Woods spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (237) to Substitute House Bill No. 1869.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (237) to Substitute House Bill No. 1869, and the amendment was adopted by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Flannigan, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Miloscia, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Upthegrove and Woods - 51.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Veloria, Wallace, Wood and Mr. Speaker - 47.

Amendment (133) was ruled out of order due to the adoption of amendment (237).

Representative McIntire moved the adoption of amendment (255):

On page 4, line 33, after "taxes" insert "  
(h) Consideration of similar tax preferences adopted in other states, and potential public policy benefits that might be gained by incorporating corresponding provisions in Washington"

Representative McIntire spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against the adoption of the amendment.

The amendment was adopted.

Representative Roach moved the adoption of amendment (143):

On page 1, line 7, beginning with "However," strike the remainder of the bill and insert the following:  
"The legislature further recognizes that these preferences are a tool to recruit new job-providing businesses to our state and to retain current Washington state employers. Given the fact that some bordering states and many other states across the country offer a more business-friendly environment, the legislature finds that it would be in our best interest to have periodic performance audits of tax incentives offered by other states and to determine if similar incentives could be enacted in Washington in order to make us more competitive.

**NEW SECTION. Sec. 2** As used in this chapter, "tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate; which is used as an incentive to attract and retain businesses and jobs.

**NEW SECTION. Sec. 3.** (1) The citizen commission for performance measurement of tax preferences is created.

(2) The commission has thirteen voting members, appointed by the governor as follows:

- (a) Two persons representing small business;
- (b) One person representing the biotechnology industry;
- (c) One person representing the semi-conductor industry;
- (d) One person representing the software industry;
- (e) One person representing the aerospace industry;
- (f) One person representing the insurance industry;
- (g) One person representing the building industry;
- (h) One person representing the research and development industry;
- (i) One person representing the internet industry;
- (k) One person representing the retail industry;
- (l) One person representing the farming industry;
- (m) One person representing labor.

(3) The commission has five nonvoting members, one appointed by the governor, and one appointed by each chair of the two largest caucuses of the senate and the two largest caucuses of the house of representatives.

(4)(a) Appointees representing small business must be filled from lists of nominees submitted by statewide business organizations representing a cross-section of industries.

(b) Appointees representing the other industries must be filled from lists of nominees submitted by statewide organizations representing the specified industry.

(c) The appointee representing labor must be filled from lists of nominees submitted by statewide labor organizations representing a cross-section of industries.

(5) The commission shall elect a chair from among its voting or nonvoting members. Decisions of the commission must be made using the sufficient consensus model. For the purposes of this subsection, "sufficient consensus" means the point at which the vast majority of the commission favors taking a particular action. If the commission determines that sufficient consensus cannot be reached, a vote must be taken. The commission must allow a minority report to be included with a decision of the commission, if requested by a member of the commission.

(6) Members serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, four members shall serve four-year terms, four members shall serve three-year terms, and five members shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(7) The joint legislative audit and review committee shall provide clerical, technical, and management personnel to the commission to serve as the commission's staff. The department of revenue shall provide necessary support and information to the joint legislative audit and review committee.

(8) The commission shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the commission. The members of the commission shall be

compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** (1) The citizen commission for performance measurement of tax preferences shall develop a schedule to accomplish an orderly review of tax preferences. The commission shall schedule the review of other states' tax preferences in the order that they deem most appropriate, taking into consideration the business climates of those states. The commission shall analyze the different tax preferences and determine: (1) If the tax preference could be applied in Washington; (2) if the preference would help attract businesses to our state; and (3) if the preference would create jobs in Washington, directly or indirectly. For each tax preference that is considered, the committee shall provide a recommendation as to whether the tax preference should be implemented in Washington.

(2) The commission shall prepare a report that includes the comments of the commission and submit a final report to the finance committee of the house of representatives and the ways and means committee of the senate by November 30, 2003 and every year thereafter.

(3) Following receipt of a report under this section, the finance committee of the house of representatives and the ways and means committee of the senate shall jointly hold a public hearing to consider the final report and any related data.

**NEW SECTION. Sec. 5.** Upon request of the citizen commission for performance measurement of tax preferences or the joint legislative audit and review committee, the department of revenue and the department of employment security shall provide information needed by the commission or committee to meet its responsibilities under this chapter."

Correct the title.

Representative Roach spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (143) to Substitute House Bill No. 1869.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (143) to Substitute House Bill No. 1869, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Hunt, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 52.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Rockefeller, Eickmeyer, Morris, Wallace, Conway, Fromhold, Kessler, Campbell and Morris (again) spoke in favor of passage of the bill.



Representative Cairnes, Orcutt, Ahern, Carrell, Ericksen, Roach, Armstrong, Benson, Delvin, Orcutt (again), Cairnes (again) and Newhouse spoke against the passage of the bill.

There being no objection, Representative Hankins was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1869.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1869 and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 38.

Excused: Representative Hankins - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1642, By Representatives Morrell, Pflug, Cody, Benson, Schual-Berke, Alexander, Clibborn, Edwards, Moeller and Kenney**

**Modifying medical information exchange and disclosure provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1642 was substituted for House Bill No. 1642 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1642 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell, Pflug and Carrell spoke in favor of passage of the bill.

There being no objection, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1642.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1642 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 1642, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1926, By Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh**

**Limiting the use of expert witnesses.**

The bill was read the second time.

Representative Carrell moved the adoption of amendment (230):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 7.70 RCW to read as follows:

In any action under this chapter, each side shall presumptively be entitled to only one independent expert on an issue and only one standard-of-care expert, except upon a showing of good cause. Where there are multiple parties on a side and the parties cannot agree as to which independent expert or standard-of-care expert will be called on an issue, the court, upon a showing of good cause, shall allow more than one independent expert on an issue or standard-of-care expert to be called."

Representatives Carrell and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Carrell and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1926.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1926 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1926, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1927, By Representatives Lantz, Schual-Berke, Clibborn, Campbell, Moeller, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh**

**Concerning mandatory mediation and arbitration of health care claims.**

The bill was read the second time.

Representative Carrell moved the adoption of amendment (231):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial.

~~((2))~~ (4) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall require mandatory mediation without exception and address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

~~((3))~~ (5) Mediators shall not impose discovery schedules upon the parties.

(6) The supreme court shall by rule also adopt procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section."

Correct the title.

Representatives Carrell and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1927.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1927 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1927, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1929, By Representatives Lantz, Carrell, Cody, McMahan, Schual-Berke, Clibborn, Kessler, Newhouse, Campbell, Moeller, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh**

#### **Reenacting the eight-year statute of repose.**

The bill was read the second time.

Representative Carrell moved the adoption of amendment (232):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.16.350 and 1998 c 147 s 1 are each amended to read as follows:

(1) Any civil action for damages for injury or death occurring as a result of health care which is provided after June 25, 1976, against:

((~~(1)~~)) (a) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

((~~(2)~~)) (b) An employee or agent of a person described in (a) of this subsection (~~((1) of this section~~)), acting in the course and scope of his or her employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

((~~(3)~~)) (c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in (a) of this subsection (~~((1) of this section~~)), including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment, including, in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his or her representative or custodial parent or guardian discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period (~~expires later, except that in no event shall an action be commenced more than eight years after said act or omission.~~ **PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, until the date the patient or the patient's representative has actual knowledge of the act of fraud or concealment, or of the presence of the foreign body; the patient or the patient's representative has one year from the date of the actual knowledge in which to commence a civil action for damages.**

~~For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years, and such imputed knowledge shall operate to bar the claim of such minor to the same extent that the claim of an adult would be barred under this section. Any action not commenced in accordance with this section shall be barred.~~

~~For purposes of this section, with respect to care provided after June 25, 1976, and before August 1, 1986, the knowledge of a custodial parent or guardian shall be imputed as of April 29, 1987, to persons under the age of eighteen years)) occurs first.~~

~~(2) In no event may an action be commenced more than three years after the act or omission alleged to have caused the injury or condition except:~~

~~(a) Upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, in which case the patient or the patient's representative has one year from the date the patient or the patient's representative or custodial parent or guardian has actual knowledge of the act of fraud or concealment or of the presence of the foreign body in which to commence a civil action for damages.~~

~~(b) In the case of a minor, for any period during minority, but only for such period during minority in which the minor's custodial parent or guardian and the defendant or the defendant's insurer have committed fraud or collusion in the failure to bring an action on behalf of the minor.~~

~~(c) In the case of a minor under the full age of six years, in which case the action on behalf of the minor must be commenced within three years or prior to the minor's eighth birthday, whichever provides a longer period.~~

~~(3) Any action not commenced in accordance with this section is barred.~~

~~(4) For purposes of this section, the tolling provisions of RCW 4.16.190 do not apply.~~

~~(5) This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in RCW 4.16.340(5)."~~

Correct the title.

### **POINT OF ORDER**

Representative Hunt requested a scope and object ruling on amendment (232) to House Bill No. 1929.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "The Speaker has reviewed your request for a ruling on scope and object of amendment (232). The Speaker finds that House Bill No. 1929 is entitled An Act Relating to "the eight-year statute of repose in RCW 4.16.350."

The purpose of the bill is clearly stated in section 1 -- "The purpose of this act is to respond to the court's decision in DeYoung v. Providence Medical Center, 136 Wn 2d 136 (1998), by expressly stating the legislature's rationale for the eight-year statute of repose in RCW 4.16.350."

Section 2 of the bill merely reenacts current law.

Amendment (232) strikes the entire bill and replaces it with a 3-year statute of repose, changes the statute of limitations, eliminates tolling for minors, and creates new periods of limitation and repose for minors under 6.

Both the title of the bill and its expressly stated purpose are very narrow. The scope and object of the bill is to reinstate the 8-year statute of repose and to state the rationale for the reinstatement.

The provisions of the amendment clearly exceed this narrow scope and object.

Representative Hunt, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Rockefeller and Schual-Berke spoke in favor of passage of the bill.

Representatives Carrell, Pflug, Newhouse and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1929.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1929 and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Benson, Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 56.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 41.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1929, having received the necessary constitutional majority, was declared passed.

## MESSAGES FROM THE SENATE

March 18, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5462,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5538,  
SUBSTITUTE SENATE BILL NO. 5592,  
SUBSTITUTE SENATE BILL NO. 5600,  
SENATE BILL NO. 5632,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5787,  
SUBSTITUTE SENATE BILL NO. 5829,  
SENATE BILL NO. 5841,  
SUBSTITUTE SENATE BILL NO. 5852,  
SECOND SUBSTITUTE SENATE BILL NO. 5890,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,  
SUBSTITUTE SENATE BILL NO. 5987,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,  
SENATE JOINT MEMORIAL NO. 8015,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 18, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1063, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 18, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5053,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,  
SUBSTITUTE SENATE BILL NO. 5235,  
SUBSTITUTE SENATE BILL NO. 5242,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,  
SENATE BILL NO. 5266,  
ENGROSSED SENATE BILL NO. 5279,  
SUBSTITUTE SENATE BILL NO. 5345,  
ENGROSSED SENATE BILL NO. 5374,  
SENATE BILL NO. 5431,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the Rules Committee was relieved of further consideration the following bills and they were placed on Second Reading:

HOUSE BILL NO. 1210,  
HOUSE BILL NO. 1462,  
HOUSE BILL NO. 1756,  
HOUSE BILL NO. 1880,

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

## SECOND READING

**HOUSE BILL NO. 1568, By Representatives Darneille, Pflug, Cody, Campbell, Schual-Berke, Alexander and Skinner**

**Modifying physician assistant provisions.**

The bill was read the second time.

With the consent of the House, amendments (295) and (298) were withdrawn.

Representative Darneille moved the adoption of amendment (306):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.28 RCW to read as follows:

Physician assistants practicing with physician supervision as required by chapters 18.57A and 18.71A RCW may execute the certificate required by RCW 51.28.020(1) for reports of non-compensable industrial injuries, but not reports of any occupational diseases. Physician assistants may not execute time loss cards related to any industrial injuries or any occupational diseases.

NEW SECTION. Sec. 2. By December 1, 2005, the department of labor and industries shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act expire June 30, 2006."

Correct the title.

Representatives Darneille and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1568.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1568 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1568, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1691, By Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug**

**Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.**

The bill was read the second time.

With the consent of the House, amendments (122), (121), (119) and (294) were withdrawn.

Representative Chandler moved the adoption of amendment (303):

On page 20, after line 23, insert the following:

"NEW SECTION. **Sec. 17.** By December 1, 2005, the department of labor and industries shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

NEW SECTION. **Sec. 18.** Sections 1 through 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

NEW SECTION. **Sec. 19.** Sections 1 through 17 of this act expire June 30, 2006."



Renumber the remaining section consecutively.

Correct the title.

Representatives Chandler and Grant spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Chandler and Mastin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1691.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1691 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1691, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1009, By Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick**

#### **Prohibiting sale of violent computer and video games to minors.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1009 was read the second time.

Representative Dickerson moved the adoption of amendment (031):

On page 2, line 4, strike "is guilty of a misdemeanor, punishable under chapter 9.92 RCW" and insert "has committed a class 1 civil infraction as provided in RCW 7.80.120"

On page 2, after line 15, insert the following:

"Sec. 3 RCW 7.80.120 and 1997 c 159 s 2 are each amended to read as follows:

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving tobacco products as

specified in RCW 70.93.060(4) and an infraction of state law involving violent video or computer games under section 2 of this act, in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution."

Correct the title.

Representatives Dickerson and Delvin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dickerson moved the adoption of amendment (241):

On page 2, at the beginning of line 4, strike "violent video or computer game" and insert "video or computer game they know to be a violent video or computer game"

Representative Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative DeBolt moved the adoption of amendment (219):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the entertainment software industry's computer and video game rating and content descriptor system reflect that some computer and video games are suitable only for adults due to graphic depictions of sex, violence, and/or language. Federal government reports indicate that parents are involved in over eighty percent of the purchase decisions for video games. The legislature encourages parents to utilize the rating system, and also encourages the entertainment software industry to develop strategies aimed at educating retailers regarding the sale of computer and video games with content intended for consumers who are eighteen or older only to age-appropriate consumers.

**NEW SECTION. Sec. 2.** (1) The superintendent of public instruction shall convene a working group to design an education effort to be directed at parents and retailers of video and computer games within the state of Washington regarding the entertainment software rating board (ESRB) rating system in order to prevent the sale or rental of "M" rated games to persons under the age of seventeen.

(2) The superintendent of public instruction or the superintendent's designee shall chair the working group and the superintendent shall request representatives from the following groups to participate in the working group: Companies that design or develop video or computer games; retailers who sell video or computer games; video and computer game industry associations; and any other directly interested parties. Two members of the senate, one appointed by the majority leader and one appointed by the minority leader and two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader shall be members of the working group.

(3) The working group shall focus on making the following assessments:

(a) Work with the computer and video game industry and local and state governments to assess what successful strategies have been implemented to prevent the sale or rental of "M" rated games to persons under the age of seventeen;

(b) Determine and assess strategies that have been effective in educating retailers who sell video or computer games about the ESRB rating system; and

(c) Assess how government can best educate parents about the ESRB rating system.

(4) The working group shall develop recommendations for an education effort to be directed at parents and retailers of video and computer games within the state of Washington aimed at preventing the sale or rental of "M" rated games to persons under the age of seventeen. The working group shall deliver its recommendations in a report to the relevant committees of the legislature by December 1, 2003."

Correct the title.

Representatives DeBolt, Benson, Hinkle, Morris and Armstrong spoke in favor of the adoption of the amendment.

Representatives Dickerson, McIntire, Kagi, Delvin and Pettigrew spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 43 - YEAS; 54 -NAYS.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Hinkle, Sommers, Morris, McMahan, McDermott and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1009.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1009 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Alexander, Armstrong, Bailey, Chandler, Condotta, Darneille, DeBolt, Flannigan, Hatfield, Jarrett, Kirby, Morris, Newhouse, Nixon, Sehlin and Upthegrove - 16.  
Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1904, By Representatives O'Brien, Boldt, Kagi, Roach and Miloscia**

#### **Revising standards for reporting incidents involving harm to vulnerable adults.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1904 was substituted for House Bill No. 1904 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1904 was read the second time.

With the consent of the House, amendment (189) was withdrawn.

Representative Cody moved the adoption of amendment (290):

On page 3, line 2, after "licensed" insert "or regulated"

Representatives Cody and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Boldt and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1904.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1904 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Kirby and Pettigrew - 2.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1317, By Representatives Linville, Kirby, Grant, Quall, Shabro, Jarrett, Rockefeller, Hunt, Delvin, Morris and Conway; by request of Governor Locke**

**Clarifying and consolidating procedures for trust water rights and authorizing creation of water banks.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1317 was substituted for House Bill No. 1317 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1317 was read the second time.

Representative Linville moved the adoption of amendment (257):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the trust water rights program is an important tool in meeting the state's current and future needs for water, both instream and out-of-stream. However, the legislature finds that the existing procedures for establishing trust water rights are unnecessarily complex, and are

difficult to explain and administer. Further, the legislature finds that groups currently developing local watershed plans and regional water management programs are seeking an effective means to facilitate multiple, voluntary transfers of existing water rights to address presently unmet needs and future needs.

It is the intent of this act to enhance the effectiveness of the trust water rights program by improving existing incentives, removing disincentives, and clarifying and consolidating procedures for establishing trust water rights.

**Sec. 2.** RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010 and the beneficial uses of water described in RCW 90.54.020(1).

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, ~~((including))~~ storage, and water right transfers should be the preferred methods ~~((of addressing water uses because they can relieve))~~ to address current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies, or as otherwise needed to meet the needs of growing communities for adequate and reliable water supplies, and to provide the water necessary to satisfy existing water rights for other beneficial uses listed in RCW 90.54.020(1); ~~((and))~~

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water, both instream and out-of-stream; and

(d) A state trust water rights program is an effective means to facilitate the voluntary transfer of water and water rights, established through conservation, purchase, lease, or donation, to secure and preserve water rights and provide water for presently unmet needs and emerging needs.

**Sec. 3.** RCW 90.42.010 and 1998 c 245 s 173 are each amended to read as follows:

The legislature ~~((finds that))~~ recognizes a need ~~((exists))~~ to ~~((develop and test))~~ provide a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. ~~((Further,))~~ The legislature also finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and upon which they rely ~~((upon))~~. ~~((It is the intent of))~~ The legislature intends that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

**Sec. 4.** RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Impairment" means detriment or injury to existing rights as that phrase is used in RCW 90.03.380(1).

(3) "Net water savings" means the amount of water that is determined to be conserved and usable within or from a specified ~~((stream reach or reaches))~~ surface or ground water body for other purposes without impairment ~~((or detriment))~~ to water rights existing at the time that a water conservation project is ~~((undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses))~~ funded.

~~((3))~~ (4) "Trust water right" means any existing water right ~~((acquired))~~ transferred to or managed by the state under this chapter ~~((for management in))~~ and the state's trust water rights program.

~~((4))~~ "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).)

(5) "Water conservation project" means any project or program for which the state provides state or federal government assistance that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights ~~((existing on July 28, 1991)).~~

**Sec. 5.** RCW 90.42.030 and 1993 c 98 s 2 are each amended to read as follows:

(1) For the purposes ~~((of))~~ specified in this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects. In consideration for the financial assistance provided,

the state shall obtain public benefits (~~(defined in guidelines developed under RCW 90.42.050)~~) in the form of temporary or permanent water rights.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right (~~(or claim)~~) constituting all or a portion of the resulting net water savings (~~(for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under RCW 90.42.050, before the expenditure of state funds)~~) according to section 8 of this act. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) (~~(As part of the contract,)~~) If requested by the water right holder (~~(and)~~), the state shall specify (~~(the process to determine)~~) as part of the contract the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) (~~(The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.~~)

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.) When the department provides funding for a water conservation project as a means of establishing a trust water right, a trust water right must be established for the period of time during which the conservation project will result in establishment of a trust water right. For example, a conservation project with a functional life of fifteen years would result in a trust transfer of fifteen years. Before the expenditure of state funds for a water conservation project, the state and the water right holder shall agree on the terms and duration of the trust water transfer as a result of a conservation project.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.42 RCW to read as follows:

(1) All trust water established by the state must be placed in the state trust water rights program to be held in trust by the department. Trust water rights established by the state must be held or authorized for use by the department for any beneficial use described in RCW 90.54.020(1). Trust water rights may also be established for the protection of water rights secured for mitigation purposes and for preservation of water rights for future needs.

(2) Trust water rights may only be established from existing water rights, including rights to divert or withdraw water under existing certificates, claims, and permits, and rights to storage and use of stored water from existing reservoir and secondary use rights, or other appropriate means other than by condemnation.

(3) Trust water rights must be administered by the department. Each trust water right must be administered in strict accordance with the terms under which the trust water right was established, including any agreement between the parties executed at the time the trust water right was established, or as subsequently modified by mutual agreement of the parties. For example, a trust water right established by the state expressly conditioned to limit its use to instream flows must be managed as a trust water right in compliance with that condition.

(4) To the extent practicable and subject to legislative appropriation, trust water rights established in a watershed with an approved watershed plan developed under chapter 90.82 RCW must be used in a manner consistent with that plan.

(5) The department may make arrangements, including entry into contracts with other persons or entities as appropriate, to ensure that trust water rights established in accordance with this chapter can be exercised to the fullest possible extent consistent with applicable state laws.

(6) The department shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be established through expenditure of funds provided by the United States and must be treated in the same manner as trust water rights established as a result of the expenditure of state funds.

(7) All trust water rights must be managed to ensure that attributes of each water right, such as its priority date, status as a certificate, permit, or claim, names or numbers used to identify the water right, and previously authorized uses remain distinct for each water right established as a trust water right.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.42 RCW to read as follows:

(1) A trust water right may be established on a temporary or permanent basis. To establish a permanent trust water right, the water right must be conveyed to the state of Washington. A water right transferred to the trust water program on a temporary basis may not be conveyed to the state of Washington and remains the property of the water right holder while managed by the department in the trust water program consistent with the terms of any agreement between the water right holder and the department.

(2) All or a portion of a water right perfected through actual beneficial use or an unperfected water right in good standing can be established as a trust water right. Once established by the state, such a right is a trust water right.

(3) The department shall develop forms for use in the establishment of trust water rights to gather information pertaining to the water right including, but not limited to, the existing purpose, place of use, and point of diversion or withdrawal of the right, extent of water use under the right, and the use or uses proposed for the right as a trust water right.

(4) Except as provided in RCW 90.03.380(4) and 90.44.100(5), the provisions of RCW 90.03.380 and 90.44.100 apply to trust water right transfers under this chapter.

(5) Acceptance of an existing right as a temporary trust water right under this chapter does not constitute a determination of the validity and extent of an existing water right.

(6) If the holder of a right to water from a body of water chooses to donate all or a portion of the person's water right to the trust water program to assist in providing instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the applicable requirements of this chapter, and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(7)(a) The quantity of water that may be approved for transfer to the trust water program represents the extent to which water use under the original right is reduced or foregone under the trust transfer, resulting in a net benefit to the water body as a result of establishing the trust water right, and resulting from:

(i) Reduced diversion or withdrawal of water under the original right as a result of a water conservation project;

(ii) A reduction in the number of acres irrigated under the right, or a long-term change in the type of crop grown that will require less water;

(iii) A reduction in the period of use of the right, on a seasonal basis, during periods of low stream flows, or according to conditions prescribed for the trust water right;

(iv) The elimination of water use under the original right;

(v) A downstream change in point of diversion of a water right that results in increased flows in the reach of the stream affected by the change;

(vi) The temporary or permanent use of different source of supply to meet all or a portion of the water needs under the original right; or

(vii) Other appropriate changes in activities under the original right, as agreed to between the water right holder and the department.

(b) Where the state establishes a trust water right from a portion of an existing water right, only the portion of the right to be placed in the trust water rights program is subject to the provisions of this chapter. In the case of a trust transfer, the quantity of the trust water right and the water right remaining with the water right holder is reflected in the superseding document issued to the water right holder by the department, and the superseding document issued by the department must be conditioned to ensure that the reduced water use is achieved.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.42 RCW to read as follows:

(1) A trust water right retains the same priority date as the water right from which it originated. The trust right shall be deemed to be inferior in priority to the water right from which it originated unless otherwise specified by an agreement between the state and the party holding the original right.

(2) The priority date of an unperfected water right established as a trust water right is the date of its establishment as a trust water right. If an unperfected water right is established as a temporary trust water right, it reverts to the original owner as an unperfected right with the priority date of the original right.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.42 RCW to read as follows:

(1) Before acquiring, establishing, or modifying any trust water right, the department shall publish a notice in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made and in other newspapers as the department determines is necessary. The notice must be published once a week for two consecutive weeks. At the same time the department publishes notice, the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments, potentially affected federally recognized tribal governments, and other interested parties.

(2) This section does not apply to a trust water right resulting from a donation for instream flows under RCW 90.42.080 or from a lease under RCW 90.42.080 if the period of the lease does not exceed five years.

(3) The department shall establish expedited notice provisions to provide notice and opportunity for comment on proposals to establish trust water rights during a formally declared drought.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.42 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a temporary trust water right is established after the following actions occur:

(a) The water right holder provides written notice to the department of their intention to establish a temporary trust water right;

(b) The water right holder publishes a legal notice according to section 9 of this act describing the temporary trust transfer and other details deemed necessary by the department. The legal notice must state that a water right holder wishing to assert a claim of impairment of their water right may do so by filing the claim with the department, and shall specify the deadline for doing so. The legal notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the area in which the temporary trust water right would be established; and

(c) Within thirty days of the last date of publication of the legal notice, no claims of impairment are filed with the department relating to the proposed temporary trust water right. If any claims of impairment are filed with the department, the department shall make a determination regarding the impairment claim or claims and shall issue its determination in writing, stating either that it finds that there will be impairment (a "finding of impairment") or that it finds there will not be impairment (a "finding of no impairment"). The department's written determination may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW or other applicable law.

(2) A temporary trust water right may be established by a superior court conducting a water rights adjudication under chapter 90.03 RCW.

(3) Upon the expiration of the period of time for which a temporary trust water right is established, the full perfected and unperfected quantities of water established as a temporary trust water right revert to the water right holder, with the priority date of the original water right.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.42 RCW to read as follows:

(1)(a) After notice and consideration of comments received, the department shall issue a final decision regarding the establishment of a permanent trust water right.

(b) The department shall provide copies of its final decision to the applicant and to any person or entity who provided comments on the proposed permanent trust water right transfer. The department's final decision on establishment of a permanent trust water right is appealable to the pollution control hearings board under RCW 43.21B.230 or other applicable law.

(2) The department shall issue a certificate of change or transfer as required under RCW 90.03.380(1) for any water right established as a permanent trust water right and order approving a trust water right transfer. Certificates of change or transfer issued under RCW 90.03.380 must be filed and made a record with the department of ecology, and a duplicate certificate must be issued to the applicant, which may be filed with the appropriate county auditor in like manner and with the same effect as provided in the original authorization to divert water.

(3) The department may require a final investigation prior to issuing a superseding certificate for water rights for which the department has issued a certificate of change or transfer under this section and under RCW 90.03.380(1), and shall issue a superseding certificate for such water right only when and to the extent water has been applied to actual beneficial use as described in the certificate of change or transfer issued under RCW 90.03.380(1).

(4) Where only a portion of an existing right is established as a permanent trust water right, the department shall issue a superseding certificate or permit to the original water right holder or, with respect to water claims, issue a superseding certificate or permit only for the perfected portion of a claim as demonstrated through actual beneficial use of water. The superseding document must indicate the quantity of water remaining with the original right holder.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.42 RCW to read as follows:

No state funds may be expended to establish trust water rights by the state under this chapter unless specifically appropriated for this purpose by the legislature. Prior to expending state or federal funds for a trust water right, the department shall exercise appropriate due diligence, as practiced by other water right purchasers, to ensure the validity of the water right or portion thereof for which the funds will be expended.

**NEW SECTION. Sec. 13.** A new section is added to chapter 90.42 RCW to read as follows:

A water right conveyed to the trust water right program as a donation that is expressly conditioned to limit its use to instream purposes must be managed by the department for public purposes to ensure that it qualifies as a donation that is deductible for federal income taxation purposes for the person or entity conveying the water right.

**NEW SECTION. Sec. 14.** A new section is added to chapter 90.42 RCW to read as follows:

The water right relinquishment provisions of RCW 90.14.130 through 90.14.230 do not apply to trust water rights as of the date the trust water right is established.



**NEW SECTION. Sec. 15.** A new section is added to chapter 90.42 RCW to read as follows:

(1) Nothing in this chapter authorizes the impairment of, or operates to impair, any existing water rights.

(2) A trust water right may be established only if the department first determines that neither water rights existing at the time the trust water right is established nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(3) A water right holder who believes his or her water right has been impaired by a trust water right donated or leased under RCW 90.42.080 may request that the department review his or her impairment claim. If the department determines that exercising the trust water right resulting from the donation or lease or exercising a portion of that trust water right is impairing existing water rights in violation of this section, the trust water right must be altered by the department to eliminate the impairment.

(4) Any decision of the department made according to subsection (2) or (3) of this section may be appealed to the pollution control hearings board according to chapter 43.21B RCW.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.42 RCW to read as follows:

(1) When water is proposed to be provided to the department as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders must be submitted to, and for the satisfaction of, the department.

(2) The department may not establish a trust water right from an individual's water right under this chapter that is appurtenant to land lying within an irrigation district without the approval of the board of directors of the irrigation district.

**Sec. 17.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) ~~The requirements of this section ((shall)) do not apply to trust water rights ((acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070)) established on a temporary basis under chapter 90.42 RCW unless such rights are transferred to another person.~~

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

**Sec. 18.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public ground water as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

(5) The requirements of this section do not apply to trust water rights established on a temporary basis under chapter 90.42 RCW unless such rights are transferred to another person.

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

RCW 90.42.050 (Guidelines governing trust water rights-- Submission of guidelines to joint select committee) and 1991 c 347 s 9;

RCW 90.42.070 (Involuntary impairment of existing water rights not authorized) and 1991 c 347 s 11; and

RCW 90.42.080 (Trust water rights--Acquisition, donation, exercise, and transfer--Appropriation required for expenditure of funds) and 2002 c 329 s 9, 2001 c 237 s 31, 1993 c 98 s 4, & 1991 c 347 s 12.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Linville and Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Mastin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1317.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1317 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Holmquist, McCoy, Orcutt and Schoesler - 4.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1336, By Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke**

**Concerning watershed planning grants and implementation lead agencies.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1336 was substituted for House Bill No. 1336 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1336 was read the second time.

With the consent of the House, amendment (224) was withdrawn.

Representative Linville moved the adoption of amendment (258):

Strike everything after the enacting clause and insert the following:

## 'IMPLEMENTATION OF WATERSHED PLANS

**NEW SECTION. Sec. 1.** The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

**Sec. 2.** RCW 90.82.040 and 2001 c 237 s 2 are each amended to read as follows:

(1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and providing coordination and oversight of the implementation of the plan. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation coordination and oversight:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit's watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating governments for each planning unit must inform the department whether they intend to have the planning unit establish or amend instream flows as part of its planning process. If they elect to have the planning unit establish or amend instream flows, the planning unit is eligible to receive one hundred thousand dollars for that purpose in accordance with (a)(ii) of this subsection. If the initiating governments for a planning unit elect not to establish or amend instream flows as part of the unit's planning process, the department shall retain one hundred thousand dollars to carry out an assessment to support establishment of instream flows and to establish such flows in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use these funds to amend an existing instream flow unless requested to do so by the initiating governments for a planning unit.

(d) In administering funds appropriated for supplemental funding for optional plan components under (a)(ii) of this subsection, the department shall give priority in granting the available funds to proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four coordination and oversight of watershed plan implementation. A match of ten to twenty-five percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

(3)(a) The department shall use the eligibility criteria in this subsection (3) instead of rules, policies, or guidelines when evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3), the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this chapter;

(ii) The application demonstrates a need for state planning funds to accomplish the objectives of the planning process; and

(iii) The application and supporting information evidences a readiness to proceed.

(c) In ranking grant applications submitted at each stage of the grants program, the department shall give preference to applications in the following order of priority:

(i) Applications from existing planning groups that have been in existence for at least one year;

(ii) Applications that address protection and enhancement of fish habitat in watersheds that have aquatic fish species listed or proposed to be listed as endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning;

(iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning.

(d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.

(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.

(5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.

(6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

**Sec. 3.** RCW 90.82.130 and 2001 c 237 s 4 are each amended to read as follows:

(1)(a) Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit.

(b) If the proposal is approved by the planning unit, the unit shall submit the proposal to the counties with territory within the management area. If the planning unit has received funding beyond the initial organizing grant under RCW 90.82.040, such a proposal approved by the planning unit shall be submitted to the counties within four years of the date that funds beyond the initial funding are first drawn upon by the planning unit.

(c) If the watershed plan is not approved by the planning unit, the planning unit may submit the components of the plan for which agreement is achieved using the procedure under (a) of this subsection, or the planning unit may terminate the planning process.

(2)(a) With the exception of a county legislative authority that chooses to opt out of watershed planning as provided in (c) of this subsection, the legislative authority of each of the counties with territory in the management area shall provide public notice of and conduct at least one public hearing on the proposed watershed plan submitted under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the proposal. The counties may approve or reject the proposed watershed plan for the management area, but may not amend it. Approval of such a proposal shall be made by a majority vote of the members of each of the counties with territory in the management area.

(b) If a proposed watershed plan is not approved, it shall be returned to the planning unit with recommendations for revisions. Approval of such a revised proposal by the planning unit and the counties shall be made in the same manner provided for the original watershed plan. If approval of the revised plan is not achieved, the process shall terminate.

(c) A legislative authority of a county with less than five percent of affected territory within a particular management area may choose to opt out of watershed planning under this chapter and the public hearing processes under (a) and (b) of this subsection, with regard to that legislative authority's affected territory within a particular management area. A county choosing to opt out shall notify the department and the other initiating governments of that choice prior to commencement of plan adoption under the provisions of (a) of this subsection. A county choosing to opt out shall not be bound by obligations contained in the watershed plan adopted for that management area under this chapter. Even if a county chooses to opt out as provided in this section, the other counties within a management area may adopt a proposed watershed plan as provided in this chapter.

(3) The planning unit shall not add an element to its watershed plan that creates an obligation unless each of the governments to be obligated has at least one representative on the planning unit and the respective members appointed to represent those governments agree to adding the element that creates the obligation. A member's agreeing to add an element shall be evidenced by a recorded vote of all members of the planning unit in which the members record support for adding the element. If the watershed plan is approved under subsections (1) and (2) of this section and the plan creates obligations: (a) For agencies of state government, the agencies shall adopt by policy, procedures, agreements, or rules the obligations of both state and county governments and procedures or rules implementing the state obligations, the obligations on state agencies are binding upon adoption of the obligations (~~into rule~~), and the agencies shall take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; (~~or~~) (b) for counties, the obligations are binding on the counties and the counties shall adopt any necessary implementing ordinances and take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; or (c) for an organization voluntarily accepting an obligation, the organization must adopt policies, procedures, agreements, rules, or ordinances to implement the plan, and should annually review implementation needs with respect to budget and staffing.

(4) As used in this section, "obligation" means any action required as a result of this chapter that imposes upon a tribal government, county government, or state government, either: A fiscal impact; a redeployment of resources; or a change of existing policy.

(5) After a plan is approved under subsection (2)(a) of this section and if the department participated in the planning process, the department shall rely on such a plan as the framework for making water resource and water quality decisions in the watershed. The department shall also rely upon the plan as a primary consideration in determining the public interest related to those decisions.

(6) Once a plan is approved under subsection (2)(a) of this section, the department may adopt rules under RCW 90.54.040(1) to modify the plan through a negotiated rule-making process under RCW 34.05.310(2)(a) and shall adopt rules implementing its obligations imposed by the plan or modified plan through such a negotiated rule-making process. The department may not modify the plan in any other manner or under any other authority. The entities to be included in the negotiated rule making as affected interests must include, but are not limited to: Water right holders and other affected residents in a watershed or watersheds; and, to the greatest extent practicable, the members of the original planning unit for the watershed or watersheds.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.82 RCW to read as follows:

(1) Upon approval of the watershed plan, the role of the planning unit is to provide coordination and oversight during the implementation of the plan. This may include a number of interrelated activities, such as seeking funding; tracking progress towards implementation milestones; making adjustments to respond to new information and changing conditions; coordinating the many implementation actions being performed by different organizations in the watershed; and responding to local needs and concerns as expressed by elected officials, stakeholders, and the public. Supporting activities also include public outreach and education; long-term monitoring activities and associated research; data management; and program evaluation.

(2) Within one year of accepting funding for plan coordination and oversight, the planning unit must complete a detailed implementation plan. An implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; specific funding mechanisms; timelines for carrying out the actions included in the plan; and an adaptive management strategy for plan amendments. The implementation plan must include coordination of salmon recovery projects with lead entities working under chapter 246, Laws of 1998. Submittal of a detailed implementation plan to the department is a condition for receiving grants for the second and all subsequent years of the phase four grant.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.82 RCW to read as follows:

(1) Each plan developed under this chapter must contain strategies for achieving the following water resource objectives:

- (a) Providing sufficient water for productive agriculture;
- (b) Providing sufficient water for commercial, industrial, and residential use; and
- (c) Providing sufficient water for instream flows.

(2) Such a plan must include timelines for achieving these three objectives and interim milestones for measuring progress in achieving the objectives. Such a plan must also identify the state and local administrative approvals and permits that must be secured to achieve these objectives.

(3) The strategies developed under this chapter to satisfy these objectives must include, but are not limited to, the identification of:

(a) How the objectives are to be achieved;

(b) Timelines for achieving these objectives;

(c) How progress is to be measured for achieving the objectives and interim milestones for measuring that progress;

(d) How any limiting factors regarding stream flows or water supply that have been identified for salmon in analyses under RCW 77.85.060 are to be overcome;

(e) How progress in overcoming these limiting factors is to be measured and interim milestones for measuring that progress; and

(f) How the strategies developed under this section are to be coordinated with the activities and habitat project lists of lead entities and committees conducted and developed under RCW 77.85.050.

**Sec. 6.** RCW 90.82.060 and 2001 c 229 s 1 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: (a) All counties within the WRIA; (b) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants under RCW 90.82.130 for developing and for implementation coordination and oversight of a watershed plan.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.82 RCW to read as follows:

The department and all other state agencies, acting within the authorities, restrictions, and responsibilities of the statutes they administer and available resources, shall act on the approvals and permits needed to implement any plan approved under this chapter. In instances where granting particular approvals or permits is not consistent with those authorities and responsibilities, the agencies or divisions within the

department shall identify to the director the changes in statute that would allow them to grant the approvals and permits. By December 31, 2003, and by December 31st of each year thereafter, the director of the department shall report to the appropriate standing committees of the legislature and to the governor on the statutory changes that would be necessary to provide the state agency approvals and permits identified under this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.54 RCW to read as follows:

(1) When a comprehensive water resource program is developed in segments under RCW 90.54.040(1), the watershed planning shall be conducted through local planning groups that represent at least the diversity of interests required for planning conducted under chapter 90.82 RCW. Any plan developed under this section shall include, but is not limited to, the water supply and use assessment and strategies for future use required for planning conducted under chapter 90.82 RCW by RCW 90.82.070 and the following:

- (a) Strategies for achieving the water resource objectives listed in section 5(1) of this act;
- (b) Timelines for achieving each of the objectives listed in section 5(2) of this act and interim milestones for measuring progress in achieving the objectives; and
- (c) An identification of the state and local administrative approvals and permits that must be secured to achieve the objectives listed in section 5(3) of this act.

The department and all other state agencies, acting within the authorities, restrictions, and responsibilities of the statutes they administer and available resources, shall act on the approvals and permits needed to implement any plan approved under this section. In instances where granting particular approvals or permits is not consistent with those authorities and responsibilities, the agencies or divisions within the department shall identify to the director the changes in statute that would allow them to grant the approvals and permits.

(2) The director shall include within the report required by section 7 of this act the director's recommendations for changes in statutes from those identified under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.54 RCW to read as follows:

Instream flow requirements must be established for not less than the main stem of the principal stream or river in each water resource inventory area established in chapter 173-500 WAC as it exists on the effective date of this section.

## **COORDINATING WATERSHED, WATER QUALITY, AND SALMON RECOVERY PLANNING**

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.48 RCW to read as follows:

This section applies to any work conducted by the department for determining or allocating total maximum daily loads for approval by the United States environmental protection agency under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The department shall design its work schedule and plan for conducting such activities in a manner that facilitates the involvement of watershed planning units conducting planning under RCW 90.82.090. As a minimum, the department shall:

(1) Schedule its work so that the involvement of planning units under subsection (3) of this section is possible under the work schedules established or likely to be established for the units to implement RCW 90.82.090;

(2) Arrange its longer-term work schedule in a way that allows initiating governments to know that their choice to require a water quality component under RCW 90.82.090 or to initiate planning under RCW 90.82.060(7) would include the involvement of their planning unit under subsection (3) of this section; and

(3) Designate the planning units conducting planning under RCW 90.82.090 as the local advisory bodies to be used, consistent with section 11 of this act, when the department conducts total maximum daily load activities in any portion of the area for which the unit is conducting such planning. This requirement does not apply to activities regarding an allocation of total maximum daily load for a body of water if the allocation is submitted by the department to the United States environmental protection agency for approval under the federal clean water act before or within six months of the effective date of this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.82 RCW to read as follows:

A planning unit conducting planning under RCW 90.82.090 may choose to assign the responsibility of being the local advisory body for total maximum daily load activities under section 10 of this act to: The members of the planning unit, as a whole, except those representing state agencies; some portion of the membership of the planning unit, other than the members representing state agencies; or any combination it may choose of its membership, other than state agency representatives, and any additional individuals it may choose who agree to participate.

**Sec. 12.** RCW 90.82.090 and 1998 c 247 s 5 are each amended to read as follows:

If the initiating governments choose to include a water quality component, the watershed plan shall include the following elements:



- (1) An examination based on existing studies conducted by federal, state, and local agencies of the degree to which legally established water quality standards are being met in the management area;
- (2) An examination based on existing studies conducted by federal, state, and local agencies of the causes of water quality violations in the management area, including an examination of information regarding pollutants, point and nonpoint sources of pollution, and pollution-carrying capacities of water bodies in the management area. The analysis shall take into account seasonal stream flow or level variations, natural events, and pollution from natural sources that occurs independent of human activities;
- (3) An examination of the legally established characteristic uses of each of the nonmarine bodies of water in the management area;
- (4) An examination of any total maximum daily load established for nonmarine bodies of water in the management area(~~(, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060)~~);
- (5) An examination of existing data related to the impact of fresh water on marine water quality;
- (6) A recommended approach for implementing the total maximum daily load established for achieving compliance with water quality standards for the nonmarine bodies of water in the management area(~~(, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060)~~); and
- (7) Recommended means of monitoring by appropriate government agencies whether actions taken to implement the approach to bring about improvements in water quality are sufficient to achieve compliance with water quality standards.

This chapter does not obligate the state to undertake analysis or to develop strategies required under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). This chapter does not authorize any planning unit, lead agency, or local government to adopt water quality standards or total maximum daily loads under the federal clean water act.

**Sec. 13.** RCW 90.82.120 and 1998 c 247 s 8 are each amended to read as follows:

- (1) Watershed planning developed and approved under this chapter shall not contain provisions that: (a) Are in conflict with existing state statutes, federal laws, or tribal treaty rights; (b) impair or diminish in any manner an existing water right evidenced by a claim filed in the water rights claims registry established under chapter 90.14 RCW or a water right certificate or permit; (c) require a modification in the basic operations of a federal reclamation project with a water right the priority date of which is before June 11, 1998, or alter in any manner whatsoever the quantity of water available under the water right for the reclamation project, whether the project has or has not been completed before June 11, 1998; (d) affect or interfere with an ongoing general adjudication of water rights; (e) modify or require the modification of any waste discharge permit issued under chapter 90.48 RCW; (f) except as provided in RCW 77.85.050(1)(c), modify or require the modification of activities or actions taken or intended to be taken under a habitat restoration work schedule developed under chapter 246, Laws of 1998; or (g) modify or require the modification of activities or actions taken to protect or enhance fish habitat if the activities or actions are: (i) Part of an approved habitat conservation plan and an incidental take permit, an incidental take statement, a management or recovery plan, or other cooperative or conservation agreement entered into with a federal or state fish and wildlife protection agency under its statutory authority for fish and wildlife protection that addresses the affected habitat; or (ii) part of a water quality program adopted by an irrigation district under chapter 87.03 RCW or a board of joint control under chapter 87.80 RCW. This subsection (1)(g) applies as long as the activities or actions continue to be taken in accordance with the plan, agreement, permit, or statement. Any assessment conducted under RCW 90.82.070, 90.82.090, or 90.82.100 shall take into consideration such activities and actions and those taken under the forest practices rules, including watershed analysis adopted under the forest practices act, chapter 76.09 RCW.
- (2) Watershed planning developed and approved under this chapter shall not change existing local ordinances or existing state rules or permits, but may contain recommendations for changing such ordinances or rules.
- (3) Notwithstanding any other provision of this chapter, watershed planning shall take into account forest practices rules under the forest practices act, chapter 76.09 RCW, and shall not create any obligations or restrictions on forest practices additional to or inconsistent with the forest practices act and its implementing rules, whether watershed planning is approved by the counties or the department.

**Sec. 14.** RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to read as follows:

- (1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.
- (b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a

citizen-based evaluation of the projects proposed to promote salmon habitat. The technical review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. In any WRIA for which watershed planning is being conducted by a planning unit under RCW 90.82.100, the committee and the lead entity shall share their information regarding the WRIA with the planning unit, and the committee and the lead entity shall consult with the planning unit in preparing and in adding activities to the habitat project list for that WRIA. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the technical review team in accordance with procedures adopted by the board.

**Sec. 15.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding. After January 1, 2004, the board shall not provide funding for any project in a WRIA for which planning is being conducted under RCW 90.82.100 unless the lead entity as well as the planning unit for the WRIA under chapter 90.82 RCW both document that the consultation required by RCW 77.85.050(1)(c) has been conducted for the project.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 77.85.060, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 77.85.050, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated

process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(8) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(9) The board may condition a grant or loan to include the requirement that property may only be transferred to a federal agency if the agency that will acquire the property agrees to comply with all terms of the grant or loan to which the project sponsor was obligated. Property acquired or improved by a project sponsor may be conveyed to a federal agency, but only if the agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated.

NEW SECTION. **Sec. 16.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing funds.

NEW SECTION. **Sec. 17.** Headings used in this act are not any part of the law."

Correct the title.

Representative Chandler moved the adoption of amendment (264) to amendment (258):

On page 8, line 4 of the striking amendment, after "(2)" strike all material through "plan." on line 6 and insert "Upon accepting funding for the coordination and oversight of the implementation of a watershed plan, the planning unit must begin developing a detailed implementation plan."

On page 8, line 12 of the striking amendment, after "1998." strike all material through "grant." on line 14

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (265) to amendment (258):

On page 8, after line 14 of the striking amendment, strike all of section 5

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

On page 11, after line 9 of the striking amendment, strike all of section 8

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Chandler spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (265 to 258) to Second Substitute House Bill No. 1336.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (265 to 258) to Second Substitute House Bill No. 1336, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representative Edwards - 1.

Representative Linville spoke in favor of the adoption of amendment (258).

Representative Chandler spoke against the adoption of amendment (258).

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Linville spoke in favor of passage of the bill.

Representatives Buck and Mastin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1336

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1336 and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 41.

Excused: Representative Edwards - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1337, By Representatives Rockefeller, Schoesler, Lantz, Linville, Shabro, Jarrett, Kirby, Grant, Quall, Hunt, Delvin, Woods, Chandler, Morris, Conway, Bush, Anderson and Pflug; by request of Governor Locke**

**Concerning the construction of an additional or replacement well.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1337 was substituted for House Bill No. 1337 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1337 was read the second time.

With the consent of the House, amendments (226) and (222) were withdrawn.

Representative Linville moved the adoption of amendment (259):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal or withdraw water under the right from an additional existing well or wells at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) Except as provided in subsection (5) of this section, an amendment to withdraw water under the right from an additional existing well or wells, construct replacement or a new additional well or wells at a location outside of the location of the original well or wells, or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall ((tap the same body of public ground water)) be located within the same water resource inventory area (WRIA), as defined in chapter 173-500 WAC, as the original well or wells or in an adjoining WRIA. If a watershed plan has been approved under chapter 90.82 RCW or a comprehensive watershed plan has been adopted under RCW 90.54.040(1) for the WRIA or the adjoining WRIA or for both WRIs, moving the location of the well or wells through construction or addition must be consistent with the plan or plans. If a ground water management program has been adopted by the department under RCW 90.44.400 through 90.44.430 for the original or new location for the well or wells, moving the location of the well or wells through construction or addition must be consistent with the adopted program; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is added or constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not ((enlarge the right)) increase the annual or instantaneous quantity conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The addition or construction of a replacement or new or existing additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new or existing additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is added or constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new or existing additional well is added or constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not ((enlarge the right)) increase the annual or instantaneous quantity conveyed by the original water use permit or certificate; (d) the addition or construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the larger of: (a) The area described as the point of withdrawal in the original public notice published for the application for the water right for the well; or (b) the area up to one-quarter mile radius from the current well or wells.

(5)(a) A water right holder may add or construct a replacement or new or existing additional well or wells at a location outside the location of the original well or wells but not more than two miles from the current well or wells without obtaining approval from the department under the following conditions:

(i) At least sixty days before adding or starting construction of the well or wells, the water right holder must provide written notice to the department of the intention to add or construct the replacement or additional well or wells and publish a legal notice prescribed by the department describing the location of the additional existing or proposed well or wells, the amounts of water to be withdrawn, and other details deemed necessary by the department. The notice must state that a person wishing to assert a claim of impairment of the person's water right may do so by filing the claim with the department and the deadline for doing so, which shall be within thirty days of the last date of publication of the notice. The notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the area in which the well or wells would be located or added. The department must provide a copy of the notice to the tribal governments of all Indian tribes in the watershed or watersheds involved and to any planning unit conducting planning under chapter 90.82 RCW for the area and must post a copy of the notice on its internet web site. The department must file such a claim on behalf of the state if it believes any water rights held by the state would be impaired;

(ii) No claims of impairment of a water right are filed by the holder of the water right with the department relating to the proposed replacement or additional well or wells within thirty days of the last date of publication of the legal notice; and

(iii) The conditions of subsection (3)(a) through (d), (f), and (g) of this section are met.

(b) If a claim of impairment of a water right is timely filed by the holder of the water right with the department, the department shall make a determination regarding the impairment claim and shall issue its determination in writing within ninety days of the date the claim was filed, stating either that it finds that there will be impairment (a "finding of impairment") or that it finds there will not be impairment (a "finding of no impairment"). The department's written determination or its failure to issue a determination within the ninety-day deadline may be appealed, by the claimant or by the water right holder who published notice under (a)(i) of this subsection, to the pollution control hearings board as provided in chapter 43.21B RCW.

(c) Where an impairment claim has been filed, a replacement well may only be added or constructed under this subsection (5) after a final resolution of the impairment claim results in a finding of no impairment. Final resolution of an impairment claim occurs at the expiration of the appeal period following a final determination by the department, the pollution control hearings board, and any reviewing court.

(d) The failure of the department or a person authorized to file a claim of impairment before the thirty-day deadline established in (a) of this subsection shall not be construed as precluding the department or the person from taking actions to require the discontinuance of or reduction in the withdrawal of water from the well or wells added or located and constructed under the authority of this subsection (5) if the state's or person's rights are impaired by the withdrawals."

Representative Chandler moved the adoption of amendment (275) to amendment (259):

On page 1, beginning on line 8 of the amendment, strike the remainder of the amendment and insert the following:

"ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the (~~manner~~) purpose or the place of use of the water.

(2) Except as provided in subsection (5) of this section, an amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the (~~manner~~) purpose or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall (~~tap the same body of public ground water~~) be located within the same water resource inventory area, as defined in chapter 173-500 WAC as it exists on the effective date of this act, or an adjoining water resource inventory area as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not (~~enlarge the right~~) increase the annual or instantaneous quantity conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104

RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not (~~enlarge the right~~) increase the annual or instantaneous quantity conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the larger of: (a) The area described as the point of withdrawal in the original public notice published for the application for the water right for the well; or (b) the area up to one-quarter mile radius from the current well or wells.

(5)(a) A water right holder may construct a replacement or new additional well or wells at a location outside the location of the original well or wells but not more than two miles from the current well or wells without obtaining approval from the department under the following conditions:

(i) That, at least sixty days before starting construction of the well or wells, the water right holder provides written notice to the department of the intention to construct the replacement or additional well or wells and publishes a legal notice prescribed by the department describing the location of the proposed well or wells, the amounts of water to be withdrawn, and other details deemed necessary by the department. The notice must state that a person wishing to assert a claim of impairment of another water right may do so by filing the claim with the department and the deadline for doing so. The notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the area in which the well or wells would be located;

(ii) That, within thirty days of the last date of publication of the legal notice, no claims of impairment are filed with the department relating to the proposed replacement or additional well or wells; and

(iii) That the conditions of subsection (3)(a) through (g) of this section are met.

(b) If any claims of impairment are filed with the department, the department shall make a determination regarding the impairment claim or claims and shall issue its determination in writing, stating either that it finds that there will be impairment (a "finding of impairment") or that it finds there will not be impairment (a "finding of no impairment"). The department's written determination may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW.

(c) Where an impairment claim has been filed, a replacement well may only be constructed under this subsection (5) after a final resolution of the impairment claim results in a finding of no impairment. Final resolution of an impairment claim occurs at the expiration of the appeal period following a final determination by the department, the pollution control hearings board, and any reviewing court."

Representative Chandler spoke in favor of the adoption of the amendment to the amendment.

Representative Rockefeller spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (275) to amendment (259) to Substitute House Bill No. 1337.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (275) to amendment (259) to Substitute House Bill No. 1337, and the amendment was adopted by the following vote: Yeas - 49, Nays - 48, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kessler, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 49.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 48.

Excused: Representative Edwards - 1.

## MOTION FOR RECONSIDERATION

Representative Kessler, having voted on the prevailing side, moved to immediately reconsider the vote by which amendment (275) to amendment (259) by which was adopted. The motion was carried.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (275) to amendment (259) to Substitute House Bill No. 1337.

### ROLL CALL

The Clerk called the roll on the adoption of amendment ((275) to amendment (259) to Substitute House Bill No. 1337, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Talcott, Tom and Woods - 44.

Voting nay: Representatives Berkey, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representative Edwards - 1.

Representative Linville spoke in favor of the adoption of amendment (259).

Representative Chandler spoke against the adoption of amendment (259).

The amendment (259) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Linville and Mastin spoke in favor of passage of the bill.

Representative Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1337.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1337 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield,



Hinkle, Holmquist, Kessler, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump and Talcott - 37.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1338, By Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway; by request of Governor Locke**

**Providing additional certainty for municipal water rights.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1338 was substituted for House Bill No. 1338 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1338 was read the second time.

With the consent of the House, amendments (225), (268), (226), (203), (227), (204) and (228) were withdrawn.

Representative Linville moved the adoption of amendment (260)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that state laws have long recognized that communities are dynamic entities. The legislature also finds that any interpretation of its laws that would require its communities to be ossified or frozen in time or would require their future growth to be precisely predictable defies the needs of human society. The legislature has provided numerous means and considerable guidance to its communities regarding their growth and for providing essential services within them as they grow. While the legislature recognizes that the totality of the statutory law that governs such communities is found in a wide variety of places throughout the codified version of the statute laws, the Revised Code of Washington, the legislature also recognizes that it has not always expressly announced in the portion of those statutes generally referred to as the state's water laws how the nature of water rights held by municipal water suppliers accommodates the growth of and changes in communities and the requirements placed on them and authorities granted to them by other laws. The legislature finds that this is in part because state policies in the administration of the water laws have reflected the dynamic nature of human habitation and population growth from within and from without the state. For a very long time, these policies recognized that a water right for municipal water supply purposes is "perfected" when facilities for diverting or withdrawing and distributing the water are constructed but before all of the water is placed to actual use within the community or communities served.

With the enactment of this legislation, the legislature intends to provide within the water laws a curative clarification of the relationship of water rights for municipal water supply purposes to the requirements of other law and the realities of growth.

**Sec. 2.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read as follows:

~~((As used in this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology(~~(?)~~).

(2) "Director" means the director of ecology(~~(?) and~~).

(3) "Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

(4) "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, or related purposes.

(5) "Person" means any firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.03 RCW to read as follows:

Beneficial uses of water under a municipal water supply purposes water right may include water for:

(1) Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values; or

(2) Uses that are needed to implement environmental obligations called for by a watershed plan approved under chapter 90.82 RCW or a comprehensive watershed plan adopted under RCW 90.54.040(1), a federally approved habitat conservation plan prepared in response to the listing of a species as being endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a comprehensive irrigation district management plan.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.03 RCW to read as follows:

When requested by a municipal water supplier or when processing a change or amendment to the right, the department shall amend the water right documents and related records to ensure that water rights that are for municipal water supply purposes, as defined in RCW 90.03.015, are correctly identified as being for municipal water supply purposes.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.14 RCW to read as follows:

When a municipal water supplier acquires an existing water right that is not a municipal water supply purpose right, that right is not subject to relinquishment for nonuse occurring during the time that the acquirer diligently seeks the department's approval to change the right to municipal water supply purposes. Once a change to municipal water supply purposes is approved by the department, the right is thereafter subject to the exception from relinquishment in RCW 90.14.140(2)(d).

**Sec. 6.** RCW 90.14.031 and 1969 ex.s. c 284 s 12 are each amended to read as follows:

~~((Unless a different meaning is plainly required by the context, the following words and phrases as used in RCW 90.14.031 through 90.14.121 shall have the following meanings:))~~

~~(1) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.~~

~~(a) "Municipal water supplier" has the same meaning as defined in RCW 90.03.015.~~

~~(b) "Municipal water supply purpose" has the same meaning as defined in RCW 90.03.015.~~

~~(2) The definitions in this subsection apply throughout RCW 90.14.031 through 90.14.121 unless the context clearly requires otherwise.~~

~~(a) "Person" shall mean an individual, partnership, association, public or private corporation, city or other municipality, county, or a state agency, and the United States of America when claiming water rights established under the laws of the state of Washington.~~

~~((2)) (b) "Beneficial use" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.~~

**Sec. 7.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to read as follows:

(1) Each application for permit to appropriate water shall set forth the name and post office address of the applicant, the source of water supply, the nature and amount of the proposed use, the time during which water will be required each year, the location and description of the proposed ditch, canal, or other work, the time within which the completion of the construction and the time for the complete application of the water to the proposed use.

(2) If for agricultural purposes, ~~((#))~~ the application shall give the legal subdivision of the land and the acreage to be irrigated, as near as may be, and the amount of water expressed in acre feet to be supplied per season. If for power purposes, it shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied.

(3) If for construction of a reservoir, ~~((#))~~ the application shall give the height of the dam, the capacity of the reservoir, and the uses to be made of the impounded waters.

(4) If for community or multiple domestic water supply, the application shall give the projected number of service connections sought to be served. However, for a municipal water supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the service connection figure in the application or any subsequent water right document is not an attribute limiting exercise of the water right as long as the number of service connections to be served under the right is consistent with the approved water system plan or specified number.

(5) If for municipal water supply, ~~((#))~~ the application shall give the present population to be served, and, as near as may be estimated, the future requirement of the municipality. However, for a municipal water

supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the population figures in the application or any subsequent water right document are not an attribute limiting exercise of the water right as long as the population to be provided water under the right is consistent with the approved water system plan or specified number.

(6) If for mining purposes, ((#)) the application shall give the nature of the mines to be served and the method of supplying and utilizing the water; also their location by legal subdivisions.

(7) All applications shall be accompanied by such maps and drawings, in duplicate, and such other data, as may be required by the department, and such accompanying data shall be considered as a part of the application.

**Sec. 8.** RCW 90.03.386 and 1991 c 350 s 2 are each amended to read as follows:

(1) Within service areas established pursuant to chapter((§)) 43.20 ((and)) or 70.116 RCW, the department of ecology and the department of health shall coordinate approval procedures to ensure compliance and consistency with the approved water system plan.

(2) The effect of the department of health's approval of a planning or engineering document that describes a municipal water supplier's service area under chapter 43.20 RCW, or the local legislative authority's approval of service area boundaries in accordance with procedures adopted pursuant to chapter 70.116 RCW, is that the place of use of a surface water right or ground water right used by the supplier is equivalent to, and coexistent with, the approved service area if the supplier is in compliance with the terms of the water system plan or small water system management program, including those regarding water conservation, and the alteration of the place of use is not inconsistent, regarding an area added to the place of use, with: Any comprehensive plans or development regulations adopted under chapter 36.70A RCW; any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county; or any watershed plan approved under chapter 90.82 RCW.

(3) A municipal water supplier must implement cost-effective water conservation in accordance with the requirements of sections 10 and 11 of this act as part of its approved water system plan or small water system management program. With regard to water diverted or withdrawn by the municipal water supplier under a particular surface or ground water right a portion of which is an inchoate right, a municipal supplier with one thousand or more service connections must document an improvement in the efficiency of water use or delivery under the right over the last six years before it may divert or withdraw further amounts of its inchoate right for beneficial use. When establishing or extending a surface or ground water right construction schedule under RCW 90.03.320, the department must take into consideration the public water system's use of conserved water.

**Sec. 9.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows:

(1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by ((him)) the director, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be transmitted by the department ((transmitted)) to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

(2) Except as provided for the issuance of certificates under RCW 90.03.240 and for the issuance of certificates following the approval of a change, transfer, or amendment under RCW 90.03.380 or 90.44.100, the department shall not revoke or diminish a certificate for a surface or ground water right for municipal water supply purposes as defined in RCW 90.03.015 unless the certificate was issued with ministerial errors or was obtained through misrepresentation. The department may adjust such a certificate under this subsection if ministerial errors are discovered, but only to the extent necessary to correct the ministerial errors. The department may diminish the right represented by such a certificate if the certificate was obtained through a misrepresentation on the part of the applicant or permit holder, but only to the extent of the misrepresentation. The authority provided by this subsection does not include revoking, diminishing, or adjusting a certificate based on any change in policy regarding the issuance of such certificates that has occurred since the certificate was issued. This subsection may not be construed as providing any authority to the department to revoke, diminish, or adjust a certificate for a water right for any purpose other than municipal water supply purposes.

(3) This subsection applies to the water right represented by a water right certificate issued prior to the effective date of this section for municipal water supply purposes as defined in RCW 90.03.015 where the certificate was issued based on an administrative policy for issuing such certificates once works for diverting or withdrawing and distributing water for municipal supply purposes were constructed rather than after the water had been placed to actual beneficial use. Such a water right is a right in good standing as long as the potential use and use of water under the right is consistent with the principles of the administrative policy that led to its being issued, as that policy existed when the certificate was issued.

(4) After the effective date of this section, the department must issue a new certificate under subsection (1) of this section for a water right represented by a water right permit only for the perfected portion of a water right as demonstrated through actual beneficial use of water.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.119A RCW to read as follows:

(1) The purpose of this section is to establish water use efficiency requirements designed to ensure efficient use of water while maintaining system financial viability, improving affordability of supplies, and enhancing system reliability. The requirements apply to all municipal water suppliers, as defined in RCW 90.03.015, and must be tailored to be appropriate for a system's size, forecasted demand, and supply constraints.

(2) By December 31, 2005, the department must adopt rules that:

(a) Establish performance measures to be used in measuring the progress a municipal water supplier is making in achieving its water conservation objectives under section 11 of this act which include, but are not limited to, those regarding water distribution system leakage, collection and reporting of source production and water consumption data, and timelines for setting and achieving cost-effective conservation objectives over time;

(b) Establish criteria that identify how the department will determine whether municipal water suppliers are fulfilling the obligations established for them in section 11 of this act when the department reviews the conservation elements of water system plans and small water system management programs, submitted to it under chapter 43.20 RCW or submitted as part of coordinated water system planning under chapter 70.116 RCW. The criteria must take into consideration the historic conservation performance and conservation investment of the supplier, regional climate variations, and the supplier's customer base demographics, forecasted demand, and system supply constraints;

(c) Establish minimum requirements for water demand forecast methodologies to be used by municipal water suppliers; and

(d) Ensure compliance with the provisions of this section and section 11 of this act. The compliance processes established under this section must incorporate the graduated approach specified for the enforcement of water laws in RCW 90.03.605(1) (a) through (c).

(3) The rules adopted by the department under subsection (2) of this section must not establish state conservation requirements that are less stringent than those in effect on the effective date of this section. For the reporting required by subsection (2)(a) of this section, the rules shall require that municipal water suppliers document that they are maintaining or improving conservation performance at the water system level.

(4) The department must establish an advisory committee to assist it in developing rules under this section. The advisory committee must include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross-section of municipal water suppliers, a person employed by a municipal water supplier as a water conservation expert, tribal governments, the department of ecology, and any other members determined necessary by the department.

(5) The department must provide, upon request, technical assistance to public water systems and local governments regarding water conservation. The assistance must be available regarding, but is not limited to, the development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.119A RCW to read as follows:

A municipal water supplier, as defined in RCW 90.03.015, must integrate conservation planning into its overall system operation and management and must appropriately fund conservation activities. A municipal water supplier must adopt and achieve water conservation objectives as part of its water system plan or small water system management program developed under chapter 43.20 RCW or as part of a coordinated water system plan under chapter 70.116 RCW. A municipal water supplier must improve the efficiency of its water system or systems over time, relative to past performance, and must assist the users of its water in improving the efficiency of their water use.

Prior to the date by which the department must adopt rules under section 10(2) of this act and for the purposes of chapter 90.03 RCW, a municipal water supplier with one thousand or more service connections is in compliance with the terms of its water system plan regarding water conservation if the supplier is in compliance with the conservation elements of its current plan and it can document an improvement in the efficiency of water use or delivery in the system over the last six years and there is no loss of conservation performance prior to the adoption of the rules.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.54 RCW to read as follows:

The department shall prioritize the expenditure of funds and other resources for programs related to streamflow restoration in watersheds where the exercise of inchoate water rights may have a larger effect on streamflows and other water uses.

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.20 RCW to read as follows:

The department shall consult with the departments of ecology, fish and wildlife, and community, trade, and economic development when it approves water system plans of public water systems. In approving such a plan, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. The department shall also ensure that the plan accommodates the duty of the public water system to provide water for new residential use within its service area as described in section 14 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 43.20 RCW to read as follows:

The first choice of water supply for a new residential use of water within the service area of public water system, for which a public water system plan is required under this chapter, is water service from the public water system. The public water system has a duty to provide the water service within its service area if its service can be available in a timely and cost-effective manner and it has sufficient water rights to provide the service. Any water service provided shall be consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. The service is available in a timely manner if the water can be provided within one hundred twenty days of the date the request for water service is made to the system by the party representing the new residential use, unless the party requests a longer period. The service is available in a cost-effective manner if the total cost to obtain the water from the public water system, including but not limited to construction and engineering costs, connection fees, and operating costs, does not exceed one hundred twenty percent of the total cost of providing water service from a well for the new residential use under the permit exemption of RCW 90.44.050.

**NEW SECTION. Sec. 15.** A new section is added to chapter 43.20 RCW to read as follows:

When a water system plan is regularly submitted to the department for review and approval, which on the effective date of this section occurs every six years, the plan must demonstrate that any new use of the inchoate water right of the system under the plan will be consistent with meeting the timelines and interim milestones established under section 5, chapter . . . , Laws of 2003 (section 5, Engrossed Substitute House Bill No. 2336) or section 8, chapter . . . , Laws of 2003 (section 8, Engrossed Substitute House Bill No. 1336) for achieving instream flows in the watershed in which water is diverted or withdrawn under the right. Public water systems shall provide public notice before submitting a water system plan or major revisions to a water system plan for approval under this chapter or under chapter 70.116 RCW. This section applies only to water systems for which a water system plan must be approved under this chapter or chapter 70.116 RCW.

**Sec. 16.** RCW 90.48.495 and 1989 c 348 s 10 are each amended to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway that would reduce flows to the sewerage system and an analysis of their anticipated impact on public sewer service and treatment capacity.

**Sec. 17.** RCW 90.48.112 and 1997 c 444 s 9 are each amended to read as follows:

The evaluation of any plans submitted under RCW 90.48.110 must include consideration of opportunities for the use of reclaimed water as defined in RCW 90.46.010. Wastewater plans submitted under RCW 90.48.110 must include a statement describing how applicable reclamation and reuse elements will be coordinated as required under RCW 90.46.120(2).

**Sec. 18.** RCW 90.46.120 and 1997 c 444 s 1 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use and distribution of the reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of the regional water supply plan or plans addressing potable water supply service by multiple water purveyors. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water supply plan or coordinated water system plan developed under chapter 43.20 or 70.116 RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The

requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

**NEW SECTION. Sec. 19.** A new section is added to chapter 90.03 RCW to read as follows:

(1) An unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may be changed or transferred in the same manner as provided by RCW 90.03.380 for any purpose if:

(a) The supplier is in compliance with the terms of an approved water system plan or small water system management program under chapter 43.20 or 70.116 RCW that applies to the supplier, including those regarding water conservation;

(b) Instream flows have been established by rule for the water resource inventory area, as established in chapter 173-500 WAC as it exists on the effective date of this section, that is the source of the water for the transfer or change;

(c) A comprehensive watershed plan has been approved for the water resource inventory area under chapter 90.82 RCW that satisfies the requirements of sections 5, 6, and 7, chapter . . ., Laws of 2003 (sections 5, 6, and 7 of SHB 1336) or has been adopted under RCW 90.54.040(1) that satisfies the requirements of section 9, chapter . . ., Laws of 2003 (section 9 of SHB 1336); and

(d) Stream flows that satisfy the instream flows referred to in (b) of this subsection are met or the milestones for satisfying those instream flows referred to in (c) of this subsection are being met.

(2) If the criteria listed in subsection (1)(a) through (d) of this section are not satisfied, an unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may nonetheless be changed or transferred in the same manner as provided by RCW 90.03.380 if the change or transfer is:

(a) Subject to stream flow protection or restoration requirements contained in: A federally approved habitat conservation plan under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a watershed agreement established under section 21 of this act;

(b) For a water right that is subject to instream flow requirements or agreements with the department and the change or transfer is also subject to those instream flow requirements or agreements; or

(c) For resolving or alleviating a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users, as such a system is described in section 20 of this act, and if the change, transfer, or amendment is for correcting the actual or anticipated cause or causes of the public water system failure. Inadequate water rights for a public water system to serve existing hookups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency.

(3) If the recipient of water under a change or transfer authorized by subsection (1) of this section is a water supply system, the receiving system must also be in compliance with the terms of an approved water system plan or small water system management program under chapter 43.20 or 70.116 RCW that applies to the system, including those regarding water conservation.

(4) The department must provide notice to affected tribes of any transfer or change proposed under this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 90.03 RCW to read as follows:

To be considered a failing public water system for the purposes of section 19 of this act, the department of health, in consultation with the department and the local health authority, must make a determination that the system meets one or more of the following conditions:

(1) A public water system has failed, or is in danger of failing within two years, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking, and sanitation needs or to provide adequate fire protection flows;

(2) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water rights to meet existing needs for drinking, cooking, and sanitation purposes after all reasonable conservation efforts have been implemented; or

(3) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

**NEW SECTION. Sec. 21.** A new section is added to chapter 90.03 RCW to read as follows:

(1) On a pilot project basis, the department may enter into watershed agreements with one or more municipal water suppliers in a watershed to meet the objectives established in a water resource management program approved or being developed under chapter 90.82 RCW. The term of an agreement may not exceed ten years, but the agreement may be renewed or amended upon agreement of the parties.

(2) Watershed agreements must be consistent with:

(a) Growth management plans developed under chapter 36.70A RCW where these plans are adopted and in effect;

- (b) Water supply plans and small water system management programs approved under chapter 43.20 or 70.116 RCW;
- (c) Coordinated water supply plans approved under chapter 70.116 RCW; and
- (d) Water use efficiency and conservation requirements and standards established by the state department of health or such requirements and standards as are provided in an approved watershed plan, whichever are the more stringent.
- (3) A watershed agreement must:
- (a) Require the public water system operated by the participating municipal water supplier to meet obligations under the watershed plan;
- (b) Establish performance measures and timelines for measures to be completed;
- (c) Provide for monitoring of stream flows and metering of water use as needed to ensure that the terms of the agreement are met; and
- (d) Require annual reports from the water users regarding performance under the agreement.
- (4) As needed to implement watershed agreement activities, the department may provide or receive funding, or both, under its existing authorities.
- (5) The department must provide opportunity for public review of a proposed agreement before it is executed. The department must make proposed and executed watershed agreements and annual reports available on the department's internet web site.
- (6) The department must consult with affected local governments and the state departments of health and fish and wildlife before executing an agreement.
- (7) Before executing a watershed agreement, the department must conduct a government-to-government consultation with affected tribal governments. The municipal water suppliers operating the public water systems that are proposing to enter the agreements must be invited to participate in the consultations. During these consultations, the department and the municipal water suppliers shall explore the potential interest of the tribal governments or governments in participating in the agreement.
- (8) Any person aggrieved by the department's failure to satisfy the requirements in subsection (3) of this section as embodied in the department's decision to enter a watershed agreement under this section may, within thirty days of the execution of such an agreement, appeal the department's decision to the pollution control hearings board under chapter 43.21B RCW.
- (9) Any projects implemented by a municipal water system under the terms of an agreement reached under this section may be continued and maintained by the municipal water system after the agreement expires or is terminated as long as the conditions of the agreement under which they were implemented continue to be met.
- (10) The departments of ecology and fish and wildlife must select, with the approval of the county legislative authorities of the counties involved, up to two areas engaged in watershed planning under this chapter to participate on a voluntary basis in the pilot project. The pilot areas selected should be planning areas that are relatively advanced in the development and adoption of their plans.
- (11) Before December 31, 2003, and December 31, 2004, the department must report to the appropriate committees of the legislature the results of the pilot projects provided for in this section. Based on the experience of the pilot project areas, the department must offer any suggested changes in law that would improve, facilitate, and maximize the implementation of watershed plans adopted under this chapter.

**NEW SECTION. Sec. 22.** A new section is added to chapter 90.03 RCW to read as follows:  
The department may not enter into new watershed agreements under section 21 of this act after July 1, 2008. This section does not apply to the renewal of agreements in effect prior to that date.

**NEW SECTION. Sec. 23.** A new section is added to chapter 90.03 RCW to read as follows:  
The department shall give priority to processing new water right applications under RCW 90.03.290, reservoir permits under RCW 90.03.370, and applications for changes and transfers under RCW 90.03.380 through 90.03.397, whenever necessary to provide for timely and effective implementation of a watershed plan adopted under chapter 90.82 RCW or RCW 90.54.040(1) or a watershed agreement authorized under section 21 of this act. This section applies only to the sequence of application processing and does not affect the relative priority date of any resulting water rights.

**NEW SECTION. Sec. 24.** A new section is added to chapter 90.44 RCW to read as follows:  
The department shall give priority to processing new water right applications under RCW 90.44.050, and applications for changes and transfers under RCW 90.44.100 and 90.44.105, whenever necessary to provide for timely and effective implementation of a watershed plan adopted under chapter 90.82 RCW or RCW 90.54.040(1) or a watershed agreement authorized under section 21 of this act. This section applies only to the sequence of application processing and does not affect the relative priority date of any resulting water rights.

**NEW SECTION. Sec. 25.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing funds.

NEW SECTION. **Sec. 26.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Chandler moved the adoption of amendment (267) to amendment (260):

On page 2, line 24 of the striking amendment, after "spaces." insert "institutional, landscaping, fire flow, water system maintenance and repair."

Representatives Chandler and Linville spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representative Chandler moved the adoption of amendment (279) to amendment 260:

On page 5, line 34 of the striking amendment, after "with" strike all material through "county; or" on page 6, line 1

On page 10, line 6 of the striking amendment, after "that" strike all material through "that" on line 12

On page 10, line 24, after "service." strike all material through "area." on line 28

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (279) to amendment (260) to Second Substitute House Bill No. 1338.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (279) to amendment (260) to Second Substitute House Bill No. 1338, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representative Edwards - 1.

Representative Chandler moved the adoption of amendment (269) to amendment (260):

On page 7, after line 22 of the striking amendment, strike all of subsection (4) of section 9

Representative Chandler spoke in favor of the adoption of the amendment to the amendment.



Representative Linville spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (269) to amendment (260) to Second Substitute House Bill No. 1338.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (269) to amendment (260) to Second Substitute House Bill No. 1338, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representative Edwards - 1.

Representative Veloria moved adoption of amendment (261) to amendment (260):

On page 10, line 28 of the striking amendment, after "area" insert "and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town"

Representatives Veloria and Chandler spoke in favor of the adoption of amendment (261) to amendment (260).

The amendment to amendment was adopted.

Representative Chandler moved the adoption of amendment (270) to amendment (260):

On page 12, after line 26 of the striking amendment, strike all of section 19

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Chandler and Linville spoke in favor of the adoption of amendment (270) to the amendment (260).

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (270) to amendment (260) to Second Substitute House Bill No. 1338.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (270) to amendment (260) to Second Substitute House Bill No. 1338, and the amendment was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

Representative Chandler moved the adoption of amendment (271) to amendment (260):

On page 14, after line 27 of the striking amendment, strike all of sections 21 and 22

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representative Chandler spoke in favor of the adoption of amendment (271) to amendment (260).

Representative Linville spoke against the adoption of amendment (271) to the amendment (260).

The amendment to the amendment was not adopted.

Representative Chandler moved the adoption of amendment (272) to amendment (260):

On page 16, after line 29 of the striking amendment, strike all of sections 23 and 24

Renumber the remaining sections consecutively.

Correct the title.

Representatives Chandler and Linville spoke in favor of the adoption of amendment (272) to amendment (260).

The amendment to the amendment was adopted.

Representatives Linville and McIntire spoke in favor of the adoption of amendment (260) as amended.

Representative Chandler spoke against the adoption of amendment (260) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Representative Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1338.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1338 and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Shabro, Simpson, Sommers, Sullivan, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kessler, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pflug, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Skinner, Sump, Talcott and Upthegrove - 40.

Excused: Representative Edwards - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1210, By Representatives O'Brien, Buck, Haigh, Mielke, Conway and Campbell; by request of Governor Locke and Attorney General**

**Enacting the Washington Antiterrorism Act of 2003.**

The bill was read the second time.

With the consent of the House, amendments (064) and (083) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Buck spoke in favor of passage of the bill.

Representative Darneille spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1210.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1210 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Rockefeller, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Chase, Cody, Darneille, Dickerson, Dunshee, Flannigan, Hudgins, Hunt, Kenney, McDermott, McIntire, Moeller, Murray, Pettigrew, Romero, Ruderman, Santos, Schual-Berke, Upthegrove and Veloria - 20.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:00 a.m., March 19, 2003, the 66<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY FIFTH DAY, MARCH 18, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SIXTY SIXTH DAY**

---

House Chamber, Olympia, Wednesday, March 19, 2003

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jordan Bridges and Amanda Biddle. Prayer was offered by Reverend Jen Grewell, St. Benedict's Episcopal Church, Lacey.

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

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

**SECOND READING**

**HOUSE BILL NO. 1640, By Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins**

**Authorizing water banking within the trust water program.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1640 was substituted for House Bill No. 1640 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1640 was read the second time.

Representative Hinkle moved the adoption of amendment (291):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, issuance of new water rights, voluntary water transfers, and conservation and water use efficiency programs, including storage, ~~((should be the preferred))~~ all are acceptable methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; ~~((and))~~

(c) The interests of the state and its citizens will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water; and

(d) Water banking as a function of the trust water program and as authorized by this chapter can provide an effective means to facilitate the voluntary transfer of water rights established through conservation, purchase, lease, or donation, to preserve water rights and provide water for presently unmet and future needs; and to achieve a variety of water resource management objectives throughout the state, including drought response, improving streamflows on a voluntary basis, providing water mitigation, or reserving water supply for future uses.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department is hereby authorized to use the trust water rights program in the Yakima river basin for water banking purposes.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water from one water year to another water year.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department, with the consent of the water right holder, may identify trust water rights for administration for water banking purposes, including trust water rights established before the effective date of this section.

(2) An application to transfer a water right to the trust water program shall be reviewed under RCW 90.03.380 at the time the water right is transferred to the trust water program for administration for water banking purposes, and notice of the application shall be published by the applicant as provided under RCW 90.03.280. The application must identify reasonably foreseeable future temporary or permanent beneficial uses for which the water right or portion thereof may be used by a third party upon transfer from the trust water right program. In the event the future place of use, period of use, or other elements of the water right are not specifically identified at the time of the transfer into the trust water program, another review under RCW 90.03.380 will be necessary at the time of a proposed transfer from the trust water program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall transfer a water right or portion thereof being administered for water banking purposes from the trust water program to a third party upon occurrence of all of the following:

(a) The department receives a request for transfer of a water right or portion thereof currently administered by the department for water banking purposes;

(b) The request is consistent with any previous review under RCW 90.03.380 of the water right and future temporary or permanent beneficial uses;

(c) The request is consistent with any condition, limitation, or agreement affecting the water right, including but not limited to any trust water right transfer agreement executed at the time the water right was transferred to the trust water rights program; and

(d) The request is accompanied by and is consistent with an assignment of interest or portion thereof from a person or entity retaining an interest in the trust water right or portion thereof to the party requesting transfer of the water right or portion thereof.

(2) The priority date of the water right or portion thereof transferred by the department from the trust water program for water banking purposes shall be the priority date of the underlying water right.

(3) The department shall issue documentation for that water right or portion thereof to the new water right holder based on the requirements applicable to the transfer of other water rights from the trust water rights program.

(4) The department's decision on the transfer of a water right or portion thereof from the trust water program for water banking purposes may be appealed to the pollution control hearings board under RCW 43.21B.230, or to a superior court conducting a general adjudication under RCW 90.03.210.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington state where water banking could assist in providing water supplies for instream and out-of-stream uses. The department shall summarize any comments received on water banking and submit a report, including any recommendations, to the appropriate committees of the legislature for their consideration in the subsequent legislative session.

(2) By December 31st of every even-numbered year, the department shall submit a report to the appropriate committees of the legislature on water banking activities authorized under section 2 of this act. The report shall:

(a) Evaluate the effectiveness of water banking in meeting the policies and objectives of this chapter;

(b) Describe any statutory, regulatory, or other impediments to water banking in other areas of the state; and

(c) Identify other basins or regions that may benefit from authorization for the department to use the trust water program for water banking purposes.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.42 RCW to read as follows:

Nothing in this act shall:

(1) Cause detriment or injury to existing rights or to the operation of the federal Yakima project to provide water for irrigation purposes, existing water supply contracts, or existing water rights;

(2) Diminish in any way existing rights or the total water supply available for irrigation and other purposes in the Yakima basin; or

(3) Affect or modify the authority of a court conducting a general adjudication pursuant to RCW 90.03.210.

**NEW SECTION. Sec. 7.** Nothing in this act may be construed to:

(1) Affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under state or federal law;

(2) Affect or modify the rights or jurisdictions of the United States, the state of Washington, the Yakama Nation, or other person or entity over waters of any river or stream or over any ground water resource;

(3) Alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the states;

(4) Alter, establish, or impair the respective rights of states, the United States, the Yakama Nation, or any other person or entity with respect to any water or water-related right;

(5) Alter, diminish, or abridge the rights and obligations of any federal, state, or local agency, the Yakama Nation, or other person or entity;

(6) Affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(7) Affect or modify the settlement agreement between the United States and the state of Washington filed in Yakima county superior court with regard to federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members; or

(8) Affect or modify the rights of any federal, state, or local agency, the Yakama Nation, or any other person or entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including *State v. Acquavella*, or constitute evidence in any such proceeding in which any water or water-related right is adjudicated.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Hinkle and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Schoesler, Hinkle and Linville (again), spoke in favor of passage of the bill.

Representative Holmquist spoke against the passage of the bill.

#### MOTION

On motion of Representative Clements, Representative McDonald was excused. On motion of Representative Santos, Representative Gombosky was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1640.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1640 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Boldt, Bush, Crouse, Holmquist and Sump - 5.

Excused: Representatives Gombosky and McDonald - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1462, By Representatives Morris, Cairnes, Gombosky, Ruderman, Nixon, Ericksen, Miloscia, Anderson, Wallace, Benson, Newhouse, Tom, Chandler, Orcutt, Woods, McMahan, Talcott and Campbell**

**Prohibiting local governments from imposing business and occupation tax on intellectual property.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1462 was substituted for House Bill No. 1462 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1462 was read the second time.

Representative Morris moved the adoption of amendment (309):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 35.21 RCW to read as follows:

- (1) A city may not impose a gross receipts tax on intellectual property creating activities.
- (2) A city may impose a gross receipts tax measured by gross receipts from royalties only on taxpayers domiciled in the city. For the purposes of this section, "royalties" does not include gross receipts from casual or isolated sales as defined in RCW 82.04.040, grants, capital contributions, donations, or endowments.
- (3) This section does not prohibit a city from imposing a gross receipts tax measured by the value of products manufactured in the city merely because intellectual property creating activities are involved in the design or manufacturing of the products. An intellectual property creating activity shall not constitute an activity defined within the meaning of the term "to manufacture" under chapter 82.04 RCW.
- (4) This section does not prohibit a city from imposing a gross receipts tax measured by the gross proceeds of sales made in the city merely because intellectual property creating activities are involved in creation of the articles sold.
- (5) This section does not prohibit a city from imposing a gross receipts tax measured by the gross income received for services rendered in the city merely because intellectual property creating activities are some part of services rendered.
- (6) A tax in effect on January 1, 2002, is not subject to this section until January 1, 2004.
- (7) The definitions in this subsection apply to this section.
  - (a) "Gross receipts tax" means a tax measured by gross proceeds of sales, gross income of the business, or value proceeding or accruing.
  - (b) "City" includes cities, code cities, and towns.
  - (c) "Domicile" means the principal place from which the trade or business of the taxpayer is directed and managed. A taxpayer has only one domicile.
  - (d) "Intellectual property creating activity" means research, development, authorship, creation, or general or specific inventive activity without regard to whether the intellectual property creating activity actually results in the creation of patents, trademarks, trade secrets, subject matter subject to copyright, or other intellectual property.
  - (e) "Manufacture," "gross proceeds of sales," "gross income of the business," "value proceeding or accruing," and "royalties" have the same meanings as under chapter 82.04 RCW.
  - (f) "Value of products" means the value of products as determined under RCW 82.04.450."

Representatives Morris, Cairnes and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Cairnes, McIntire and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1462.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1462 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia,



Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Gombosky and McDonald - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1865, By Representatives Cody, Campbell, Morrell, Schual-Berke, Kenney, Haigh, Conway and Santos**

**Improving patient safety practices.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

With the consent of the House, amendment (243) was withdrawn.

Representative Cody moved the adoption of amendment (314):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that thousands of patients are injured each year in the United States as a result of medical errors, and that a more comprehensive approach than looking only at the fault of individual practitioners is needed to effectively reduce the incidence of medical errors in our health care system. Incentives should be available to encourage health care providers, facilities, and health carriers to engage in proven patient safety and medical error reduction efforts. Investments in proven strategies can reduce medical errors, and thereby potentially reduce the need for disciplinary actions against licensed health care professionals and facilities, and the frequency and severity of medical malpractice claims. By authorizing contributions to fund proven patient safety and medical error reduction strategies through a patient safety program, the legislature intends to positively influence the safety and quality of care provided in Washington state's health care system.

**NEW SECTION. Sec. 2.** A new section is added to chapter 7.70 RCW to read as follows:

An injured claimant who receives a settlement or judgment in any action for damages based upon injuries resulting from health care may contribute a portion of that settlement or judgment to the department of health for deposit into the patient safety account established in section 5 of this act for the patient safety activities authorized in section 3 of this act. Proceeds of the contributions will be distributed by the department of health in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

Proceeds from the contributions authorized in section 2 of this act shall be administered by the department of health, in consultation with established patient safety coalitions. Upon receipt of at least one hundred thousand dollars in contributions under section 2 of this act or grants or other funds under section 4 of this act, patient safety proceeds will be distributed in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety. In developing criteria for the award of grants, loans, or other funding arrangements under this section, the department shall:

(1) Consult with established patient safety coalitions and health care workers engaged in direct patient care activities; and

(2) Rely heavily upon evidence-based practices that have been shown to improve patient safety and have been identified and recommended by governmental and private organizations, including but not limited to:

- (a) The federal agency for health care quality and research;
- (b) The federal institute of medicine;
- (c) The joint commission on accreditation of health care organizations; and
- (d) The national quality forum.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

The secretary may solicit and accept grants or other funds from public and private sources to support patient safety and medical error reduction efforts under this act. Any grants or funds received may be used to enhance these activities as long as program standards established by the secretary are maintained.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

The patient safety account is created in the custody of the state treasurer. All receipts from contributions authorized in section 2 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of this act. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. A new section is added to chapter 43.70 RCW to read as follows:

By December 1, 2006, the department shall report the following information to the governor and the health policy and fiscal committees of the legislature:

- (1) The amount of contributions deposited to date in the patient safety account;
- (2) The criteria for distribution of grants and loans under this act; and
- (3) A description of the medical error reduction and patient safety grants and loans distributed to date, including their desired objectives, activities, timelines, and any available information on outcomes.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The patient safety program shall be terminated December 31, 2008, as provided in section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective December 31, 2009:

- (1) Section 2 of this act;
- (2) Section 3 of this act;
- (3) Section 4 of this act;
- (4) Section 5 of this act; and
- (5) Section 6 of this act."

Correct the title.

Representatives Cody and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Pflug, Campbell and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1865.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Gombosky and McDonald - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1557, By Representatives McDermott, Ericksen, Simpson, Armstrong, Lovick, Campbell, Sullivan, Dickerson, Cody and Santos**

**Collecting voter-approved taxes by a city transportation authority.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1557 was substituted for House Bill No. 1557 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1557 was read the second time.

With the consent of the House, amendment (198) was withdrawn.

Representative Dickerson moved the adoption of amendment (281):

On page 4, line 7, after "schedules." strike all material through "analysis." on line 8, and insert "To assist the panel in conducting its activities and analysis, the authority shall provide the panel all authority materials regarding financial risk analysis, materials associated with the interlocal agreement between the city and the authority, and any other materials related to the design, construction, operation, and financing of the public monorail transportation facility."

Representatives Dickerson and Ericksen spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (158) and (184) were withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Ericksen and Armstrong spoke in favor of passage of the bill.

Representative McIntire spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1557.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1557 and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Pflug, Priest,

Quall, Roach, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Woods and Mr. Speaker - 82.  
Voting nay: Representatives Berkey, Clements, Clibborn, Cooper, Edwards, Kristiansen, McIntire, Murray, Nixon, Pearson, Pettigrew, Rockefeller, Upthegrove, Voloria and Wood - 15.  
Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

### **REPORTS OF STANDING COMMITTEES**

March 8, 2003

HB 2044 Prime Sponsor, Representative Hunter: Changing the school district levy base calculation.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; McIntire; Miloscia; Pflug; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Kessler; Linville; McDonald; Sump and Talcott.

There being no objection, HOUSE BILL NO. 2044 was placed on Second Reading.

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

### **SECOND READING**

**HOUSE BILL NO. 1065, By Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson**

**Establishing apprenticeship utilization requirements for public works projects.**

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1065 was substituted for House Bill No. 1065 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1065 was read the second time.

Representative Orcutt moved the adoption of amendment (132):

On page 2, line 21, after "apprentices" insert "if the successful bidder employed fifty or more full-time equivalent employees in the previous year"

On page 2, line 25, after "apprentices" insert "if the successful bidder employed fifty or more full-time equivalent employees in the previous year"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (132) to Second Substitute House Bill No. 1065.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (132) to Second Substitute House Bill No. 1065, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Excused: Representative McDonald - 1.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, McCoy, Kenney, Wood, Cooper and Hudgins spoke in favor of passage of the bill.

Representatives Orcutt, McMahan, Mielke, Chandler, Schindler, Schoesler, Boldt, Anderson, Clements and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1065.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1065 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representative McDonald - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1065, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1689, By Representatives Linville, Schoesler, Cooper, Chandler, Holmquist and Hatfield**

**Implementing the federal permit requirements for municipal separate storm sewer system permits.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1689 was substituted for House Bill No. 1689 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1689 was read the second time.

Representative McDermott moved the adoption of amendment (302):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** (1) The legislature finds that the federal clean water act (33 U.S.C. Sec. 1251 et seq.) required large counties and cities in Washington to obtain municipal separate storm sewer system permits under phase one of the national pollutant discharge elimination system permit program. The legislature also finds that under phase two of this program, many other counties and cities in Washington will be required to obtain permits for their systems. The legislature recognizes that the department, as the state agency delegated authority to administer the federal permit program in Washington, is responsible for renewal of the phase one permits and issuance of the phase two permits. The legislature also recognizes that the department must determine whether it is in the state's interest to integrate these two permit programs and, if so, how to accomplish the integration.

(2) The legislature acknowledges and encourages the appropriate use of flexibility in storm water management. The legislature finds that storm water management must satisfy state and federal water quality requirements while also providing state and local agencies, development interests, and others with a flexible set of tools and alternatives that can help ensure cost-effective storm water management.

(3) The legislature finds that significant fragmentation in authority exists among local, state, and federal agencies in managing storm water and that these agencies can better coordinate standards, practices, and approaches for managing storm water. The legislature believes state agencies and local governments and, where appropriate, federal and tribal governments should identify streamlining opportunities to address and improve coordination of storm water management authority exercised by local, state, and federal jurisdictions.

(4) The legislature further finds that the federal permit programs and the state water pollution control laws provide numerous environmental and public health benefits to the citizens of Washington and to the state. The legislature also finds that storm water runoff can cause or increase pollution in our state's waters. The legislature further finds that failure to prevent and control pollution discharges, including those associated with storm water runoff, can damage public health and industries, such as shellfish production, for which water quality is a critical component of their existence.

(5) The legislature also finds that implementing these programs involves great effort and significant costs for municipalities. The legislature recognizes that under federal law, municipalities required to obtain permits under phase two of the national pollutant discharge elimination system have up to five years after permit issuance to develop and implement the permit requirements. The legislature finds that as these permits are being developed, the department needs to identify mechanisms by which the state can best achieve environmental benefits from storm water management and satisfy the federal clean water act permit requirements in the most cost-effective manner to address the impacts on municipalities in implementing these permit programs.

(6) The legislature finds that coordinated permit programs and cooperative storm water management programs between and among local governments may reduce costs and enhance program effectiveness.

(7) The legislature finds that a municipal separate storm sewer system faces different challenges than other types of storm sewer systems. The legislature recognizes the difficulty of predicting and sampling storm water pollutants in these systems. The legislature also recognizes the problems inherent in identifying the sources of and controlling the introduction of pollutants that may contribute to the contamination of storm water discharged through municipal separate storm sewer systems. Further, the legislature finds that municipal separate storm sewer systems have distinct characteristics that must be considered when the department develops permit programs to control storm water runoff, including that these systems may:

(a) Consist of complex, widely dispersed conveyance networks that drain public roads and other key elements of infrastructure;

(b) Include numerous inlets and outfalls that can be difficult to locate and maintain;

(c) Receive large volumes of diffuse storm water on an intermittent and unpredictable basis; and

(d) Receive storm water that has been polluted from a variety of sources.

(8) The legislature recognizes that in 2001 the department developed a stormwater management manual for western Washington. The legislature also recognizes that the department has established a stakeholder process in eastern Washington to develop a stormwater manual for that area of the state. The legislature finds that issues associated with storm water management in eastern Washington are significantly different from those in western

Washington. The legislature also finds that the federal phase two permits developed by the department must recognize these differences.

(9) The legislature intends to:

(a) Provide direction to the department and to municipalities regarding the development and implementation of phase two of the federal clean water act's national pollutant discharge elimination system permit program in Washington;

(b) Recognize the eastern Washington stakeholder process for developing a stormwater manual and direct the department to work within that process when implementing the phase two program in eastern Washington; and

(c) Establish a stakeholder process to assist the department in identifying and addressing issues related to developing and implementing the federal national pollutant discharge elimination system permit programs in western Washington and to advise and assist the department as it drafts these permits.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:

**STANDARDS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS.** (1) In accordance with federal and state law, permits for municipal separate storm sewer systems shall require the development, implementation and enforcement of stormwater management programs designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the federal clean water act and this chapter. Permits issued to municipalities subject to federal regulations implementing phase two of the national pollutant discharge elimination system permit program shall include the following minimum control measures established according to the federal regulations implementing the federal national pollutant discharge elimination system permit program:

(a) Public education and outreach on stormwater impacts;

(b) Public involvement and participation;

(c) Illicit discharge detection and elimination;

(d) Construction site storm water runoff control;

(e) Post-construction stormwater management in new development and redevelopment;

(f) Pollution prevention/good housekeeping for municipal operations, including:

(i) Compliance with any more stringent effluent limitations that modify or are in addition to the federal minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis; and

(ii) evaluation of program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals; and

(g) Appropriate recordkeeping and reporting requirements.

(2) For municipal separate storm sewer system permits, the reduction of pollutants to the maximum extent practicable (MEP) shall be equivalent to all known available and reasonable methods of prevention control and treatment (AKART). In interpreting and implementing these standards with respect to municipal separate storm sewer system permits, the department shall consider:

(a) Factors such as on-site practicability analysis, innovations, incentives for alternative storm water management strategies, and retrofit strategies for existing impervious surfaces within project boundaries; and

(b) Whether the probable benefits are greater than the probable costs, in a manner similar to that required for adoption of significant legislative rules according to RCW 34.05.328(1)(c).

(3) For the purposes of this section, narrative effluent limitations requiring the implementation of best management practices are generally the most appropriate form of effluent limitations when designed to satisfy the requirements of subsection (1) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

**WATERSHED-BASED PERMITS.** The department is encouraged to consider the development and issuance of permits for municipal separate storm sewer systems on a watershed basis. In determining whether to issue a general permit for municipal separate storm sewer systems by watershed, the department should consider the:

(1) Physical interconnections between and among municipal separate storm sewer systems;

(2) Location of discharges from municipalities required to obtain permits under phase two of the federal national pollutant discharge elimination system permit program relative to discharges from municipalities permitted and operating under phase one of the federal permit system;

(3) Potential for integrating municipalities permitted and operating under phase one of the federal national pollutant discharge elimination system permit program and those that will obtain permits and implement permit requirements under phase two of the federal permit system; and

(3) Relationships between and among municipalities and the potential to encourage and facilitate cooperative and cost-efficient programs for storm water management.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.48 RCW to read as follows:

**INTERLOCAL COOPERATION.** Local governments are encouraged to cooperate with each other, share resources and coordinate actions to develop and implement programs and activities to satisfy the

requirements of permits issued to them according to this chapter. This section shall not be interpreted as a requirement for local governments. Nothing in this section shall be construed to alter or create exemptions to the requirements of chapter 39.04 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.48 RCW to read as follows:

**WESTERN WASHINGTON PERMIT DEVELOPMENT ADVISORY GROUP.** (1) The department shall establish a permit development advisory group for western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The advisory group shall work within a facilitated process according to subsection (5) of this section to review the issues identified in section 7 of this act and to make recommendations and submit reports to the legislature according to sections 7 and 8 of this act. The permit development advisory group shall:

(a) Review and address the issues specified in section 7 of this act and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and

(b) Advise and assist the department in drafting a permit or permits for municipal separate storm sewer systems in western Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) The permit development advisory group may include up to 18 members selected according to this subsection and any members electing to participate as provided in subsections (3) and (4) of this section. The permit development advisory group shall include a representative from the department of transportation and from the puget sound action team. In addition, the permit development advisory group shall include at least one representative of each of the following interests, selected by the associations representing those interests:

(a) Counties and cities that have obtained and are operating under a municipal separate storm sewer system permit issued under phase one of the federal national pollutant discharge elimination system permit program;

(b) Counties and cities that will be required to obtain a municipal separate storm sewer system permit issued under phase two of the federal national pollutant discharge elimination system permit program;

(c) General contractors;

(d) Ports;

(e) Realtors;

(f) Residential contractors;

(g) Business;

(h) Shellfish growers;

(i) Agricultural and timber organizations; and

(j) Environmental organizations.

(3) The department shall invite and encourage members of the legislature with interest in storm water management to participate in the permit development advisory group. Legislative members who do participate shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(4) The department shall invite and encourage representatives of appropriate federal agencies and representatives of tribes located in western Washington to participate in the permit development advisory group.

(5) (a) No later than ten days after the effective date of this act, the agencies and interests identified in subsection (2) of this section shall submit to the department the names of their representatives for the permit development advisory group. The department shall schedule the first meeting of the permit development advisory group to occur no later than thirty days after the effective date of this act.

(b) At its first meeting the permit development advisory group shall establish an executive committee with a minimum of three and a maximum of five members. The executive committee shall include representatives of local government, business associations, and environmental organizations. The executive committee shall advise and assist the department to develop a request for proposals for a facilitator to work with and facilitate the advisory group's review of the issues identified in section 7 of this act and to develop recommendations and submit reports to the legislature according to sections 7 and 8 of this act. The executive committee also shall review the responses to the request for proposals and select the facilitator. The department and the executive committee shall work expeditiously to select a facilitator who can begin working with the permit development advisory group by June 1, 2003.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.48 RCW to read as follows:

**EASTERN WASHINGTON PERMIT DEVELOPMENT.** The department shall develop a municipal separate storm sewer system permit or permits that addresses the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the advisory group it has established in eastern Washington to develop a storm water management manual to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington. The eastern Washington advisory group shall:



(1) Review and address the issues specified in section 7 of this act as they pertain to eastern Washington and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and

(2) Assist and advise the department in drafting a permit or permits for municipal separate storm sewer systems in eastern Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(4) The department shall invite and encourage representatives of the department of transportation, department of fish and wildlife, business associations, general and residential contractors, environmental organizations, appropriate federal agencies, and representatives of tribes located in eastern Washington to participate in the permit development advisory group.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.48 RCW to read as follows:

**PERMIT DEVELOPMENT ISSUES.** (1) No later than March 1, 2004, the permit development advisory group for western Washington established in section 5 of this act and the eastern Washington storm water management group identified in section 6 of this act shall review and make recommendations to the department regarding the development of permits for municipal separate storm sewer systems. Issues considered by these groups shall include the:

- (a) Types of discharges being regulated under these permits;
- (b) Areas being regulated by these permits under phases one and two of the federal national pollutant discharge elimination system permit program as they relate to municipal borders;
- (c) Issuance of these permits on a watershed basis;
- (d) Coordination of permits and permit requirements for phase one and phase two of the federal national pollutant discharge elimination system permit program;
- (e) Application of these permits to ground water discharges;
- (f) Level of effort required of municipalities to satisfy federal requirements regarding:
  - (i) Public education and outreach;
  - (ii) Public participation and public involvement;
  - (iii) Illicit discharge detection and elimination;
  - (iv) Construction site runoff control;
  - (v) Post-construction runoff control;
  - (vi) Pollution prevention and good housekeeping, including implementation of applicable total maximum daily loads and program evaluation and reporting;
  - (g) Protection for shellfish areas;
  - (h) The use of land use planning and existing land use plans and regulations as a best management practice for storm water management and to protect water quality; and
  - (i) Potential funding sources for implementation of permit requirements.

(2) During the development of permits according to this chapter, the permit development advisory group for western Washington established in section 5 of this act and the eastern Washington advisory group identified in section 6 of this act shall advise and assist the department to develop a menu of best management practices as required under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). These groups also shall review and provide advice and assistance on the draft permits as they are developed.

(3) In addition, these groups shall consider the requirements of federal and state water pollution control laws and identify whether the elements of these permits are required by federal law, by state law, or by both federal and state law. These groups shall consider the costs and benefits associated with each permit element not required under federal law and make recommendations to the legislature regarding these elements.

(4) These groups shall coordinate efforts with the transportation permit efficiency and accountability committee established by RCW 47.06C.030. These groups also shall build upon the 2000 storm water advisory committee report to the legislature. In addition, these groups shall determine and make recommendations regarding whether the probable benefits of the permits developed according to this chapter are greater than the probable costs in a manner similar to that required for adoption of significant legislative rules according to RCW 34.05.328(1)(c).

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.48 RCW to read as follows:

**REPORTS TO THE LEGISLATURE.** (1) No later than December 1, 2003, the department shall submit a progress report regarding the work of the western Washington permit development advisory group established in section 5 of this act and the eastern Washington advisory group identified in section 6 of this act to the appropriate committees of the legislature.

(2) The department shall submit a report regarding the recommendations of the western Washington permit development advisory group established in section 5 of this act and the eastern Washington advisory group identified in section 6 of this act to the appropriate committees of the legislature. In reporting on these groups' progress, the department shall identify the recommendations made by these groups, list the issues upon which the members of these groups were not able to reach agreement, and reflect the comments of all members of these

groups. The department also shall identify any legislative recommendations from these groups or from the department based on the work of these groups.

(3) After the permits are developed according to the process specified in sections 5 and 6 of this act, the department shall submit a final report to the appropriate committees of the legislature regarding these permits and the work of the advisory groups. The department also shall identify any legislative recommendations from these groups or from the department based on the work of these groups.

NEW SECTION. Sec. 9. EXPIRATION. Sections 5 through 8 of this act expire June 30, 2006.

NEW SECTION. Sec. 10. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives McDermott and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1689.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1689 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1960, By Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins**

**Governing regional transportation.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1960 was substituted for House Bill No. 1960 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1960 was read the second time.

With the consent of the House, amendment (263) was withdrawn.

Representative Armstrong moved the adoption of amendment (233):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to study whether the creation of a Puget Sound regional transportation district governed by an elected board would lead to better use of transportation resources and whether this district would improve transportation planning and governance in the Puget Sound region.

NEW SECTION. Sec. 2. Subject to legislative funding, the legislative transportation committee shall conduct a study to determine whether the creation of a Puget Sound regional transportation district governed by an elected board would lead to better use of transportation resources and whether this district would improve transportation planning and governance in the region. The study shall:

- (1) Review current local and regional transportation planning and governance structures located in King, Pierce, Snohomish, and Kitsap counties;
- (2) Review the interaction between state transportation planning and governance and the local and regional structures in King, Pierce, Snohomish, and Kitsap counties;
- (3) Examine whether an elected board assuming the functions of the current metropolitan planning organization and the current regional transportation planning organization would improve transportation planning;
- (4) Examine whether the state should consider delegating state transportation planning for the region to an elected board;
- (5) Examine whether an elected board would provide more efficient and accountable governance than the current board of the regional transportation investment district;
- (6) Examine how the size of the board, and whether the board was elected by council districts, would influence transportation governance;
- (7) Examine the elected board assuming the governance of local transit districts in King, Pierce, Snohomish, and Kitsap counties would provide more efficient transportation governance; and
- (8) Examine whether lesser steps than transferral of governing authority over local transit districts or the regional transportation investment district, such as coordination of existing transportation planning, operations, and services, might enhance transportation efficiency.

NEW SECTION. Sec. 3. The legislative transportation committee shall report the results of its study to the transportation committees of the house of representatives and senate by December 10, 2003. The legislative transportation committee may report electronically, and shall post its report on its web site."

Correct the title.

Representatives Armstrong and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Ericksen and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1960.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1960 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1928, By Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh**

**Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1928 was substituted for House Bill No. 1928 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1928 was read the second time.

With the consent of the House, amendment (321) was withdrawn.

Representative Schual-Berke moved the adoption of amendment (175):

On page 2, line 16, after "to" strike everything through "hospital" on line 23 and insert "health care providers as defined in RCW 7.70.020, in all cases governed by chapter 7.70 RCW with respect to judgments for noneconomic damages. In all cases governed by chapter 7.70 RCW, the liability of health care providers"

Representatives Schual-Berke, Carrell, Campbell, Morris, Lantz and Newhouse spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Carrell and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1928.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1928 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Kessler - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1530, By Representatives Grant, Holmquist, Armstrong, Blake, Shabro, Talcott, Ruderman, Schual-Berke, Schoesler, Hinkle, Condotta, Newhouse, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander**

**Changing rules for venue for declaratory judgments under the administrative procedure act.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1530 was substituted for House Bill No. 1530 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1530 was read the second time.

With the consent of the House, amendments (112), (100), (097) and (079) were withdrawn.

Representative Holmquist moved the adoption of amendment (092):

On page 2, line 5, after "Thurston county" insert "Clark county, Spokane county, Whatcom county,"

Representatives Holmquist and Armstrong spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Holmquist and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1530.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1530 and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn,

Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Chase, Cody, Conway, Dickerson, Dunshee, Edwards, Flannigan, Hunt, McDermott, Miloscia, Rockefeller, Romero, Schual-Berke, Simpson, and Upthegrove - 15.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1517, By Representatives Cooper, Simpson, Conway, Sullivan and Wallace**

**Establishing objectives for certain fire department services.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1517 was substituted for House Bill No. 1517 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1517 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper, Miloscia and Morris spoke in favor of passage of the bill.

Representatives Chandler and Clibborn spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1517.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Blake, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, Crouse, DeBolt, Ericksen, Flannigan, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Moeller, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

SUBSTITUTE HOUSE BILL NO. 1517, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2030, By Representatives Kessler, Cairnes, Talcott, McDonald, Schindler, Shabro, Pearson and Holmquist; by request of Governor Locke**

**Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness.**

The bill was read the second time.

Representative Kessler moved the adoption of amendment (323):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND INTENT.** The legislature finds that businesses in Washington are concerned about the potential for multiple taxation that arises due to the various city business and occupation taxes and are concerned about the lack of uniformity among city jurisdictions. The current system has a negative impact on Washington's business climate. The legislature further finds that local business and occupation tax revenue provides a sizable portion of city revenue that is used for essential services. The legislature recognizes that local government services contribute to a healthy business climate.

The legislature intends to provide for a more uniform system of city business and occupation taxes that eliminates multiple taxation, while allowing for some continued local control and flexibility to cities.

**NEW SECTION. Sec. 2. MUNICIPAL BUSINESS AND OCCUPATION TAX-- LIMITED SCOPE.** This act does not apply to taxes on any service that historically or traditionally has been taxed as a utility business for municipal tax purposes, such as:

- (1) A light and power business or a natural gas distribution business, as defined in RCW 82.16.010;
- (2) A telephone business, as defined in RCW 82.04.065;
- (3) Cable television services;
- (4) Sewer or water services;
- (5) Drainage services;
- (6) Solid waste services; or
- (7) Steam services.

**NEW SECTION. Sec. 3. MUNICIPAL GROSS RECEIPTS TAX--DEFINITIONS.** The definitions in this section apply throughout this act, unless the context clearly requires otherwise.

- (1) "Business" has the same meaning as given in chapter 82.04 RCW.
- (2) "City" means a city, town, or code city.
- (3) "Business and occupation tax" or "gross receipts tax" means a tax imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.
- (4) "Value of products" has the same meaning as given in chapter 82.04 RCW.
- (5) "Gross income of the business" has the same meaning as given in chapter 82.04 RCW.
- (6) "Gross proceeds of sales" has the same meaning as given in chapter 82.04 RCW.

**NEW SECTION. Sec. 4. MUNICIPAL BUSINESS AND OCCUPATION TAX--MODEL ORDINANCE.** (1)(a) The cities, working through the association of Washington cities, shall form a model ordinance development committee made up of a representative sampling of cities that as of the effective date of this section impose a business and occupation tax. This committee shall work through the association of Washington cities to adopt a model ordinance on municipal gross receipts business and occupation tax. The model ordinance and subsequent amendments shall be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input shall be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a business and occupation tax.

(b) The municipal research council shall contract to post the model ordinance on an internet web site and to make paper copies available for inspection upon request. The department of revenue and the department of licensing shall post copies of or links to the model ordinance on their internet web sites. Additionally, a city that imposes a business and occupation tax must make copies of its ordinance available for inspection and copying as provided in chapter 42.17 RCW.

(c) The definitions and tax classifications in the model ordinance may not be amended more frequently than once every four years, however the model ordinance may be amended at any time to comply with changes in state law. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a business and occupation tax must adopt the mandatory provisions of the model ordinance. The following provisions are mandatory:

- (a) A system of credits that meets the requirements of section 6 of this act and a form for such use;

(b) A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. If a city has a small business threshold or exemption in excess of that provided in this subsection as of January 1, 2003, and chooses to deviate below the threshold or exemption level that was in place as of January 1, 2003, the city must notify all businesses licensed to do business within the city at least one hundred twenty days prior to the potential implementation of a lower threshold or exemption amount;

(c) Tax reporting frequencies that meet the requirements of section 7 of this act;

(d) Penalty and interest provisions that meet the requirements of sections 8 and 9 of this act;

(e) Claim periods that meet the requirements of section 10 of this act;

(f) Refund provisions that meet the requirements of section 11 of this act; and

(g) Definitions, which at a minimum, must include the definitions enumerated in sections 3 and 12 of this act. The definitions in chapter 82.04 RCW shall be used as the baseline for all definitions in the model ordinance, and any deviation in the model ordinance from these definitions must be described by a comment in the model ordinance.

(3) Except for the system of credits developed to address multiple taxation under subsection (2)(a) of this section, a city may adopt its own provisions for tax exemptions, tax credits, and tax deductions.

(4) Any city that adopts an ordinance that deviates from the nonmandatory provisions of the model ordinance shall make a description of such differences available to the public, in written and electronic form.

**NEW SECTION. Sec. 5. MUNICIPAL GROSS RECEIPTS TAX--NEXUS.** A city may not impose a business and occupation tax on a person unless that person has nexus with the city. For the purposes of this section, the term "nexus" means business activities conducted by a person sufficient to subject that person to the taxing jurisdiction of a city under the standards established for interstate commerce under the commerce clause of the United States Constitution.

**NEW SECTION. Sec. 6. MUNICIPAL BUSINESS AND OCCUPATION TAX-- MULTIPLE TAXATION--CREDIT SYSTEM.** (1) A city that imposes a business and occupation tax shall provide for a system of credits to avoid multiple taxation as follows:

(a) Persons who engage in business activities that are within the purview of more than one classification of the tax shall be taxable under each applicable classification.

(b) Notwithstanding anything to the contrary in this section, if imposition of the tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit only to the extent necessary to preserve the validity of the tax.

(c) Persons taxable under the retailing or wholesaling classification with respect to selling products in a city shall be allowed a credit against those taxes for any eligible gross receipts taxes paid by the person (i) with respect to the manufacturing of the products sold in the city, and (ii) with respect to the extracting of the products, or the ingredients used in the products, sold in the city. The amount of the credit shall not exceed the tax liability arising with respect to the sale of those products.

(d) Persons taxable under the manufacturing classification with respect to manufacturing products in a city shall be allowed a credit against that tax for any eligible gross receipts tax paid by the person with respect to extracting the ingredients of the products manufactured in the city and with respect to manufacturing the products other than in the city. The amount of the credit shall not exceed the tax liability arising with respect to the manufacturing of those products.

(e) Persons taxable under the retailing or wholesaling classification with respect to selling products in a city shall be allowed a credit against those taxes for any eligible gross receipts taxes paid by the person with respect to the printing, or the printing and publishing, of the products sold within the city. The amount of the credit shall not exceed the tax liability arising with respect to the sale of those products.

(2) The model ordinance shall be drafted to address the issue of multiple taxation for those tax classifications that are in addition to those enumerated in subsection (1)(c) through (e) of this section. The objective of any such provisions shall be to eliminate multiple taxation of the same income by two or more cities.

**NEW SECTION. Sec. 7. MUNICIPAL BUSINESS AND OCCUPATION TAX-- REPORTING FREQUENCY.** A city that imposes a business and occupation tax shall allow reporting and payment of tax on a monthly, quarterly, or annual basis. The frequency for any particular person may be assigned at the discretion of the city, except that monthly reporting may be assigned only if it can be demonstrated that the taxpayer is remitting excise tax to the state on a monthly basis. For persons assigned a monthly frequency, payment is due within the same time period provided for monthly taxpayers under RCW 82.32.045. For persons assigned a quarterly or annual frequency, payment is due within the same time period as provided for quarterly or annual frequency under RCW 82.32.045.



**NEW SECTION. Sec. 8. MUNICIPAL BUSINESS AND OCCUPATION TAX-- PENALTIES AND INTEREST.** (1) A city that imposes a business and occupation tax shall compute interest charged a taxpayer on an underpaid tax or penalty in accordance with RCW 82.32.050.

(2) A city that imposes a business and occupation tax shall compute interest paid on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with RCW 82.32.060.

**NEW SECTION. Sec. 9. MUNICIPAL BUSINESS AND OCCUPATION TAX-- PENALTIES.** A city that imposes a business and occupation tax shall provide for the imposition of penalties in accordance with chapter 82.32 RCW.

**NEW SECTION. Sec. 10. MUNICIPAL BUSINESS AND OCCUPATION TAX-- CLAIM PERIOD.** The provisions relating to the time period allowed for an assessment or correction of an assessment for additional taxes, penalties, or interest shall be in accordance with chapter 82.32 RCW.

**NEW SECTION. Sec. 11. MUNICIPAL BUSINESS AND OCCUPATION TAX-- REFUND PERIOD.** The provisions relating to the time period allowed for a refund of taxes paid shall be in accordance with chapter 82.32 RCW.

**NEW SECTION. Sec. 12. MUNICIPAL BUSINESS AND OCCUPATION TAX-- DEFINITIONS-- TAX CLASSIFICATIONS.** (1) In addition to the definitions in section 3 of this act, the following terms and phrases must be defined in the model ordinance under section 4 of this act, and such definitions shall include any specific requirements as noted in this subsection:

- (a) Eligible gross receipts tax.
- (b) Extracting.
- (c) Manufacturing. Software development may not be defined as a manufacturing activity.
- (d) Retailing.
- (e) Retail sale.
- (f) Services. The term "services" excludes retail or wholesale services.
- (g) Wholesale sale.
- (h) Wholesaling.
- (i) To manufacture.
- (j) Commercial and industrial use.
- (k) Engaging in business.
- (l) Person.

(2) Any tax classifications in addition to those enumerated in subsection (1) of this section that are included in the model ordinance must be uniform among all cities.

**NEW SECTION. Sec. 13. MUNICIPAL BUSINESS AND OCCUPATION TAX-- ALLOCATION AND APPORTIONMENT OF INCOME.** A city that imposes a business and occupation tax shall provide for the allocation and apportionment of a person's gross income, other than persons subject to the provisions of chapter 82.14A RCW, as follows:

(1) Gross income derived from all activities other than those taxed as service or royalties shall be allocated to the location where the activity takes place.

(a) In the case of sales of tangible personal property, the activity takes place where delivery to the buyer occurs.

(b) If a business activity allocated under this subsection (1) takes place in more than one city and all cities impose a gross receipts tax, a credit shall be allowed as provided in section 6 of this act; if not all of the cities impose a gross receipts tax, the affected cities shall allow another credit or allocation system as they and the taxpayer agree.

(2) Gross income derived as royalties from the granting of intangible rights shall be allocated to the commercial domicile of the taxpayer.

(3) Gross income derived from activities taxed as services shall be apportioned to a city by multiplying apportionable income by a fraction, the numerator of which is the payroll factor plus the service-income factor and the denominator of which is two.

(a) The payroll factor is a fraction, the numerator of which is the total amount paid in the city during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period. Compensation is paid in the city if:

- (i) The individual is primarily assigned within the city;
- (ii) The individual is not primarily assigned to any place of business for the tax period and the employee performs fifty percent or more of his or her service for the tax period in the city; or
- (iii) The individual is not primarily assigned to any place of business for the tax period, the individual does not perform fifty percent or more of his or her service in any city and the employee resides in the city.

(b) The service income factor is a fraction, the numerator of which is the total service income of the taxpayer in the city during the tax period, and the denominator of which is the total service income of the taxpayer everywhere during the tax period. Service income is in the city if:

(i) The customer location is in the city; or

(ii) The income-producing activity is performed in more than one location and a greater proportion of the service-income-producing activity is performed in the city than in any other location, based on costs of performance, and the taxpayer is not taxable at the customer location; or

(iii) The service-income-producing activity is performed within the city, and the taxpayer is not taxable in the customer location.

(c) If the allocation and apportionment provisions of this subsection do not fairly represent the extent of the taxpayer's business activity in the city or cities in which the taxpayer does business, the taxpayer may petition for or the tax administrators may jointly require, in respect to all or any part of the taxpayer's business activity, that one of the following methods be used jointly by the cities to allocate or apportion gross income, if reasonable:

(i) Separate accounting;

(ii) The use of a single factor;

(iii) The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity in the city; or

(iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(4) The definitions in this subsection apply throughout this section.

(a) "Apportionable income" means the gross income of the business taxable under the service classifications of a city's gross receipts tax, including income received from activities outside the city if the income would be taxable under the service classification if received from activities within the city, less any exemptions or deductions available.

(b) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to individuals for personal services that are or would be included in the individual's gross income under the federal internal revenue code.

(c) "Individual" means any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

(d) "Customer location" means the city or unincorporated area of a county where the majority of the contacts between the taxpayer and the customer take place.

(e) "Primarily assigned" means the business location of the taxpayer where the individual performs his or her duties.

(f) "Service-taxable income" or "service income" means gross income of the business subject to tax under either the service or royalty classification.

(g) "Tax period" means the calendar year during which tax liability is accrued. If taxes are reported by a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the previous calendar year for reporting in the current calendar year and correct the reporting for the previous year when the factors are calculated for that year, but not later than the end of the first quarter of the following year.

(h) "Taxable in the customer location" means either that a taxpayer is subject to a gross receipts tax in the customer location for the privilege of doing business, or that the government where the customer is located has the authority to subject the taxpayer to gross receipts tax regardless of whether, in fact, the government does so.

**NEW SECTION. Sec. 14. MUNICIPAL BUSINESS AND OCCUPATION TAX--IMPLEMENTATION BY CITIES--CONTINGENT AUTHORITY.** Cities imposing business and occupation taxes must comply with all requirements of sections 2 through 13 of this act by December 31, 2004. A city that has not complied with the requirements of sections 2 through 13 of this act by December 31, 2004, may not impose a tax that is imposed by a city on the privilege of engaging in business activities. Cities imposing business and occupation taxes after December 31, 2004, must comply with sections 2 through 13 of this act.

**NEW SECTION. Sec. 15. STUDY OF POTENTIAL NET FISCAL IMPACTS.** (1) The department of revenue shall conduct a study of the net fiscal impacts of this act, with particular emphasis on the revenue impacts of the apportionment and allocation method contained in section 13 of this act and any revenue impact resulting from the increased uniformity and consistency provided through the model ordinance. In conducting the study, the department shall use, and regularly consult with, a committee composed of an equal representation from interested business representatives and from a representative sampling of cities imposing business and occupation taxes. The department shall report the final results of the study to the governor and the fiscal committees of the legislature by November 30, 2005. In addition, the department shall provide progress reports to the governor and the fiscal committees of the legislature on November 30, 2003, and November 30, 2004. As part of its report, the department shall examine and recommend options to address any adverse revenue impacts to local jurisdictions.

(2) For the purposes of this section, "net fiscal impacts" means accounting for the potential of both positive and negative fiscal impacts on local jurisdictions that may result from this act.

(3) It is the intent of the legislature through this study to provide accurate fiscal impact analysis and recommended options to alleviate revenue impacts from this act so as to allow local jurisdictions to anticipate and appropriately address any potential adverse revenue impacts from this act.

**NEW SECTION. Sec. 16. BASELINE STUDY.** The department of revenue shall report by December 31, 2004, to the governor and the fiscal committees of the legislature on the definitions used in the proposed model ordinance. The report shall detail the status of the definitions using the baseline standards under section 4(2)(g) of this act, noting any deviations from the definitions in chapter 82.04 RCW and the reason for such deviation. The report shall also estimate the fiscal impact on taxpayers of any deviations from the definitions under chapter 82.04 RCW.

**NEW SECTION. Sec. 17. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 18.** Sections 2 through 14 of this act are each added to chapter 35.21 RCW.

**NEW SECTION. Sec. 19. EFFECTIVE DATE.** Section 13 of this act takes effect January 1, 2008."

Correct the title.

Representative Santos moved the adoption of amendment (324) to amendment (323):

On page 9, after line 31, insert the following:

"**Sec. 15. RCW 35.21.710 and 2002 c 179 s 1** are each amended to read as follows:

(1) Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities.

(2)(a) Except as provided under subsection (c) of this subsection, the taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate(~~PROVIDED, That~~).

(b) Any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate(~~PROVIDED FURTHER, That~~).

(c)(i) A city that has imposed a tax under this subsection (2) as of the effective date of section 13 of this act may increase the rate or rates of tax pursuant to this subsection (c).

(ii) A city that incurs a reduction in municipal business and occupation tax revenue due to the implementation of the apportionment provisions under section 13 of this act may adjust its rate or rates to the extent necessary to offset any revenue losses. Such rate adjustments may not take effect before January 1, 2008.

(3) All surtaxes on business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance.

(4) Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax.

(5) This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW.

(6) For purposes of this section, the providing to consumers of competitive telephone service, as defined in RCW 82.04.065, or the providing of payphone service, shall be subject to tax at the same rate as business activities consisting of the making of retail sales of tangible personal property. As used in this section, "payphone service" means making telephone service available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, when the telephone can only be activated by inserting coins, calling collect, using a calling card or credit card, or dialing a toll-free number, and the provider of the service owns or leases the telephone equipment but does not own the telephone line providing the service to that equipment and has no affiliation with the owner of the telephone line."

Re-number remaining sections consecutively and correct the title

Representatives Santos, McIntire and Conway spoke in favor of the adoption of the amendment to the amendment.

Representative Cairnes spoke against the adoption of the amendment to the amendment to the amendment.

The amendment to the amendment was not adopted.

Representatives Kessler and Cairnes in favor of amendment (323).

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Schoesler, Orcutt, Morris, Roach, Anderson and Woods spoke in favor of passage of the bill.

Representatives McIntire, Benson, Conway and Dickerson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2030.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2030 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Rockefeller, Ruderman, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, McDermott, McIntire, Murray, Pettigrew, Romero, Santos, Schual-Berke, Sommers, and Veloria - 25.

ENGROSSED HOUSE BILL NO. 2030, having received the necessary constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,

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

### **INTRODUCTION & FIRST READING**

HB 2225 by Representatives Cody and Sommers

AN ACT Relating to the relationship between basic health plan enrollment levels and the expenditure of funds deposited into the health services account under RCW 82.24.028 and 82.26.028; amending RCW 43.72.900; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2226 By Representatives Veloria and Kessler

AN ACT Relating to the office of minority and women's business enterprises; adding a new section to chapter 39.19 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5024 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hale)

AN ACT Relating to public water systems; amending RCW 90.03.015 and 90.03.386; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SB 5042 by Senators T. Sheldon, Morton and Fraser; by request of Commissioner of Public Lands

AN ACT Relating to the department of natural resources' contractual authority; and amending RCW 43.30.130.

Referred to Committee on Agriculture & Natural Resources.

SSB 5062 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Doumit, Oke, Jacobsen, Winsley, Rasmussen and Kohl-Welles)

AN ACT Relating to the recreational salmon and marine fish enhancement program; amending RCW 77.105.010 and 77.105.150; and adding a new section to chapter 77.105 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

ESB 5073 by Senators Fraser, Honeyford, Hale and Kohl-Welles

AN ACT Relating to watershed management; amending RCW 39.34.020 and 35.21.210; adding new sections to chapter 39.34 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a new section to chapter 86.15 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

2SSB 5074 by Senate Committee on Ways & Means (originally sponsored by Senators Morton, Oke, Doumit, T. Sheldon, Fraser and Rasmussen; by request of Commissioner of Public Lands)

AN ACT Relating to the authority of the department of natural resources to contract for the harvest of timber from state trust lands; amending RCW 76.12.030, 76.12.120, 79.64.040, 43.85.130, and 84.33.078; reenacting and amending RCW 43.79A.040 and 84.33.035; adding a new chapter to Title 79 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SB 5076 by Senators Morton, Fraser, T. Sheldon and Doumit; by request of Commissioner of Public Lands

AN ACT Relating to the highest responsible bidder for sales of valuable materials from state-owned aquatic lands; and amending RCW 79.90.215.

Referred to Committee on Agriculture & Natural Resources.

SSB 5144 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Oke)

AN ACT Relating to protecting forest health; amending RCW 76.06.010, 76.06.020, 76.09.050, and 17.24.171; reenacting and amending RCW 76.09.060; and adding a new section to chapter 76.06 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5145 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Mulliken and T. Sheldon)

AN ACT Relating to withdrawals of public ground waters; and amending RCW 90.44.035.

Referred to Committee on Agriculture & Natural Resources.

SSB 5169 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to court-ordered restitution; amending RCW 9.94A.750; and reenacting and amending RCW 9.94A.753.

Referred to Committee on Judiciary.

SSB 5325 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Winsley, Franklin, Kastama, Rasmussen, Oke and Regala)

AN ACT Relating to studying the economic impact of state facilities on local governments; and creating new sections.

Referred to Committee on Local Government.

SSB 5326 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, B. Sheldon, Doumit and T. Sheldon)

AN ACT Relating to creating regional fire protection service authorities; amending RCW 57.90.010, 84.09.030, 84.52.069, and 35.21.766; reenacting and amending RCW 84.52.010 and 84.52.052; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 52 RCW; and creating a new section.

Referred to Committee on Local Government.

ESSB 5352 by Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Shin)

AN ACT Relating to agricultural conservation programs; amending RCW 90.58.065, 36.70A.060, and 36.70A.170; and adding a new section to chapter 89.08 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5365 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Doumit, Keiser and Winsley; by request of Governor Locke)

AN ACT Relating to violations connected with the offer, sale, or purchase of securities; amending RCW 43.320.110, 21.20.400, 21.20.110, 21.20.390, 21.20.395, and 9A.20.021; adding a new section to chapter 43.320 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SSB 5407 by Senate Committee on Commerce & Trade (originally sponsored by Senators Horn, Prentice, Honeyford and Benton)

AN ACT Relating to franchise agreements between motorsports vehicle dealers and manufacturers; adding a new chapter to Title 46 RCW; and repealing RCW 46.94.001, 46.94.005, 46.94.010, 46.94.020, 46.94.030, 46.94.040, 46.94.050, 46.94.060, and 46.94.900.

Referred to Committee on Commerce & Labor.

ESB 5450 by Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles

AN ACT Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles; amending RCW 46.04.320; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 5457 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Oke, Johnson, Hargrove, B. Sheldon, Roach, Zarelli, Sheahan, Jacobsen, Stevens, Schmidt, Rossi, Eide, Kline, T. Sheldon, West, Shin and Rasmussen)

AN ACT Relating to posting of hazards to motorcycles; amending RCW 47.36.200; and creating a new section.

Referred to Committee on Transportation.

SB 5507 by Senators T. Sheldon and Mulliken

AN ACT Relating to standing before growth management hearings boards; and amending RCW 36.70A.280.

Referred to Committee on Local Government.

SB 5512 by Senators Honeyford, Kastama, West, Keiser, Winsley and Rasmussen

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.020.

Referred to Committee on State Government.

SSB 5550 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators West, Stevens, Kastama, Roach, Kline, Johnson, Fairley, T. Sheldon, Thibaudeau, Benton, Keiser, Eide, Prentice, Kohl-Welles, Esser, Shin, Oke and Winsley)

AN ACT Relating to prohibiting secure community transition facilities from being sited near public and private youth camps; amending RCW 71.09.342; reenacting and amending RCW 71.09.020; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 5579 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Jacobsen, Winsley, Brandland, Rasmussen, Esser, Reardon, Honeyford, T. Sheldon, Hargrove, Haugen, Doumit, Zarelli, Stevens, Deccio, Keiser, Mulliken and Shin)

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.030, 18.20.050, 18.20.125, and 18.20.190; adding a new section to chapter 18.20 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

SSB 5588 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Kline, Esser, Roach and Kohl-Welles; by request of Sentencing Guidelines Commission)

AN ACT Relating to pilot regional correctional facilities; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

SB 5597 by Senators Oke, T. Sheldon, Swecker, Thibaudeau, Carlson, Shin, Winsley, Spanel, Kline, Regala, Haugen, Jacobsen, Poulsen, B. Sheldon, Stevens, Keiser, Kohl-Welles and Rasmussen

AN ACT Relating to protecting the health of minors by prohibiting tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; creating a new section; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Health Care.

SSB 5661 by Senate Committee on Land Use & Planning (originally sponsored by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke)

AN ACT Relating to allowing the conservation of unused agricultural lands with interim recreational uses; and amending RCW 36.70A.060 and 36.70A.177.

Referred to Committee on Local Government.

SB 5665 by Senators Rasmussen and Swecker

AN ACT Relating to administration of irrigation districts; and amending RCW 87.03.138, 87.03.443, 87.06.030, 87.06.060, 87.06.110, 60.80.005, 60.80.010, and 60.80.020.

Referred to Committee on Agriculture & Natural Resources.



SSB 5674 by Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Prentice, Esser, Haugen and Horn)

AN ACT Relating to regional transit authorities; amending RCW 81.112.020, 81.112.050, 81.112.070, and 81.112.130; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

ESB 5676 by Senators Carlson, Kohl-Welles, Mulliken, Shin and Schmidt; by request of Higher Education Coordinating Board

AN ACT Relating to the educational opportunity grant program; and amending RCW 28B.101.005, 28B.101.010, 28B.101.020, and 28B.101.040.

Referred to Committee on Higher Education.

ESSB 5692 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Carlson, Hargrove, Esser, Parlette, Kohl-Welles, McAuliffe and Rasmussen)

AN ACT Relating to health and human services and information referral; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

SSB 5695 by Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Winsley, Mulliken, Johnson, T. Sheldon, Zarelli, Oke and Rasmussen)

AN ACT Relating to declaring buildings used for criminal activity to be a nuisance; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 5749 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Rasmussen; by request of Indeterminate Sentence Review Board)

AN ACT Relating to hearings concerning violations by sex offenders of postrelease conditions; and amending RCW 9.95.435.

Referred to Committee on Criminal Justice & Corrections.

SSB 5751 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Hargrove)

AN ACT Relating to sales of valuable materials; amending RCW 79.01.184, 79.01.200, and 79.01.188; and reenacting and amending RCW 79.01.132.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5776 by Senate Committee on Land Use & Planning (originally sponsored by Senators Doumit, Morton, Hargrove, Mulliken, Rasmussen, Swecker, Haugen, Zarelli, Reardon, Parlette, McAuliffe and Winsley)

AN ACT Relating to review of permit decisions by state agencies and local governments for economic development projects; amending RCW 43.21B.110, 77.55.170, and 90.58.180; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

SSB 5797 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette and Brandland)

AN ACT Relating to the timing of the inspection of adult family homes; and amending RCW 70.128.070.

Referred to Committee on Health Care.

ESSB 5819 by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner and Kline)

AN ACT Relating to operation of a vehicle, street car, rail fixed guideway system, vessel, aircraft, or other conveyance involved in an accident; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

SSB 5828 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Sheahan, Keiser, Regala, Kastama, Thibaudeau, Hale, Fraser and Winsley)

AN ACT Relating to provision of meningococcal immunization information to first-time students by degree-granting postsecondary educational institutions; adding a new section to chapter 70.54 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5845 by Senators Schmidt, McAuliffe, Kastama, Winsley, Regala and Rasmussen

AN ACT Relating to school district capital demonstration projects; and amending RCW 39.10.067.

Referred to Committee on State Government.

SB 5893 by Senator Oke

AN ACT Relating to fish and wildlife automated recreational licensing; and amending RCW 77.32.050.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 5904 by Senate Committee on Ways & Means (originally sponsored by Senators Deccio, Thibaudeau, Winsley, Franklin, Parlette, Keiser, Brandland, Benton, Carlson, Hale, Johnson, Kline, McAuliffe, McCaslin, Mulliken, Oke, Rasmussen, West, Finkbeiner, Kohl-Welles, Shin, Stevens, Esser, B. Sheldon and Hewitt)

AN ACT Relating to prescription drug assistance programs for seniors; adding new sections to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care.

SSB 5910 by Senate Committee on Judiciary (originally sponsored by Senators Roach, McCaslin, Rasmussen, T. Sheldon, Stevens, Mulliken, Oke and Schmidt)

AN ACT Relating to sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Local Government.

SSB 5912 by Senate Committee on Highways & Transportation (originally sponsored by Senators Mulliken, Haugen, Sheahan, Horn, Parlette, Rasmussen and Spanel)

AN ACT Relating to a state produce railcar pool; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.76 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5935 by Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley; by request of Washington State Patrol

AN ACT Relating to consolidation of state declared fire mobilization responsibilities within the Washington state patrol; amending RCW 38.54.010, 38.54.020, 38.54.030, and 38.54.050; adding new sections to chapter 43.43 RCW; and recodifying RCW 38.54.010, 38.54.020, 38.54.030, 38.54.040, 38.54.050, and 38.54.900.

Referred to Committee on State Government.

ESB 5938 by Senators Finkbeiner and Esser

AN ACT Relating to financial responsibility requirements for vessels; amending RCW 88.40.011, 88.40.020, and 88.40.040; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 5942 by Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford)

AN ACT Relating to licensing requirements for elevator mechanics and contractors; amending RCW 70.87.010, 70.87.020, 70.87.030, 70.87.050, 70.87.060, 70.87.080, 70.87.110, 70.87.125, 70.87.170, 70.87.180, 70.87.220, 70.87.230, 70.87.240, 70.87.250, and 70.87.260; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5955 by Senate Committee on Economic Development (originally sponsored by Senator Benton)

AN ACT Relating to the personal reemployment account program; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SSB 5974 by Senate Committee on Highways & Transportation (originally sponsored by Senators Benton, Haugen, Horn and Oke)

AN ACT Relating to the exercise of sound business practices to enhance revenues for Washington State Ferries; and amending RCW 47.60.135, 47.60.140, 47.60.150, 47.60.326, and 47.60.330.

Referred to Committee on Transportation.

SB 5989 by Senators Haugen, Horn and Jacobsen

AN ACT Relating to pilot members of the board of pilotage commissioners; and amending RCW 88.16.010.

Referred to Committee on Transportation.

SJM 8004 by Senators Morton, Haugen, Hargrove and T. Sheldon

Requesting that British Columbia refrain from releasing grizzly bears near our common border.

Referred to Committee on Fisheries, Ecology & Parks.

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

### MESSAGE FROM THE SENATE

March 19, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5152,  
SUBSTITUTE SENATE BILL NO. 5160,  
SUBSTITUTE SENATE BILL NO. 5251,  
SUBSTITUTE SENATE BILL NO. 5274,  
SENATE BILL NO. 5340,  
SENATE BILL NO. 5346,  
ENGROSSED SENATE BILL NO. 5379,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5400,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5492,  
SUBSTITUTE SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5500,  
SUBSTITUTE SENATE BILL NO. 5578,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,  
SENATE BILL NO. 5801,  
SENATE BILL NO. 5959,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6011,  
SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 9:55 a.m., March 20, 2003, the 67<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY SIXTH DAY, MARCH 19, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SIXTY SEVENTH DAY**

---

House Chamber, Olympia, Thursday, March 20, 2003

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

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

**MESSAGES FROM THE SENATE**

March 19, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5422,  
SUBSTITUTE SENATE BILL NO. 5451,  
SENATE BILL NO. 5515,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,  
SUBSTITUTE SENATE BILL NO. 5537,  
SUBSTITUTE SENATE BILL NO. 5584,  
SENATE BILL NO. 5726,  
SENATE BILL NO. 5790,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,  
SUBSTITUTE SENATE BILL NO. 5891,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SENATE BILL NO. 5949,  
ENGROSSED SENATE BILL NO. 5965,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 19, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5212,  
SUBSTITUTE SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5658,  
SENATE BILL NO. 5696,  
SUBSTITUTE SENATE BILL NO. 5733,  
SUBSTITUTE SENATE BILL NO. 6012,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 19, 2003

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, and the same is herewith transmitted.

Milt H. Doumit, Secretary

### **INTRODUCTION & FIRST READING**

SSB 5053 by Senate Committee on Ways & Means (originally sponsored by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke)

AN ACT Relating to requiring legislative authority for agencies to adopt rules that exceed federal standards; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

ESSB 5150 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Roach and Stevens)

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

SSB 5235 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Morton and Doumit)

AN ACT Relating to the state environmental policy act requirements for class I, II, and III forest practices on state trust lands; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 79.68 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5242 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Zarelli, Haugen, Oke, Stevens, Benton, Doumit, Roach, Hargrove, Schmidt, Mulliken and Rasmussen)

AN ACT Relating to internet access for patrons of public libraries; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5247 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Esser, Jacobsen, Kastama, Prentice, Oke, Swecker and Schmidt)

AN ACT Relating to alternative local option fuel taxes; amending RCW 82.80.010 and 36.120.050; and adding new sections to chapter 82.80 RCW.

Referred to Committee on Transportation.

SB 5266 by Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser

AN ACT Relating to the commercial harvest of geoduck clams; amending RCW 77.60.070.

Referred to Committee on Fisheries, Ecology & Parks.

ESB 5279 by Senators Prentice, Swecker, Horn, Haugen, Doumit, Finkbeiner, Benton, Esser, Morton, Johnson, T. Sheldon, Hargrove, Brandland, Honeyford, Jacobsen, Oke and Rasmussen

AN ACT Relating to extending the expiration date of the transportation permit efficiency and accountability committee; amending RCW 47.06C.901; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5345 by Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove and Horn)

AN ACT Relating to drainage infrastructure; and amending RCW 77.55.060.

Referred to Committee on Agriculture & Natural Resources.

ESB 5374 by Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley; by request of Secretary of State

AN ACT Relating to the election account; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

SB 5431 by Senators Oke, Prentice, Horn, Haugen and Rasmussen; by request of Department of Licensing

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, and 46.25.125; and reenacting and amending RCW 46.25.090.

Referred to Committee on Transportation.

ESSB 5448 by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Mulliken, Horn, Brown and Schmidt; by request of Governor Locke)

AN ACT Relating to tuition-setting authority at institutions of higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; and creating a new section.

Referred to Committee on Higher Education.

SSB 5462 by Senate Committee on Commerce & Trade (originally sponsored by Senators Mulliken, Honeyford, Hale, Hewitt, T. Sheldon, Swecker and McCaslin)

AN ACT Relating to the provision of greater predictability and consistency in the state wage and hour laws; amending RCW 49.46.005, 49.46.040, 49.46.100, and 49.48.040; adding new sections to chapter 49.46 RCW; adding new sections to chapter 49.48 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

ESSB 5538 by Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke)

AN ACT Relating to election and authority of regional transit authority board members; amending RCW 81.112.010, 81.112.020, and 81.112.030; adding new sections to chapter 81.112 RCW; creating a new section; repealing RCW 81.112.040; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5592 by Senate Committee on Judiciary (originally sponsored by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin)

AN ACT Relating to garnishments; amending RCW 6.27.020, 6.27.070, 6.27.100, 6.27.130, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.250, 6.27.265, 6.27.320, 6.27.340, 6.27.350, and 3.62.060; and reenacting and amending RCW 6.27.040.

Referred to Committee on Judiciary.

SSB 5600 by Senate Committee on Highways & Transportation (originally sponsored by Senators Schmidt, Kohl-Welles, Esser, Finkbeiner, Rossi, Horn and Winsley)

AN ACT Relating to disposition of returned license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5623 by Senators Keiser, Swecker, Haugen and Poulsen

AN ACT Relating to planning and siting of commercial aviation facilities; amending RCW 47.68.020 and 36.70A.200; and adding new sections to chapter 47.68 RCW.

ESSB 5713 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Prentice, Hewitt, Rasmussen, Mulliken, Sheahan and Oke)

AN ACT Relating to electrical work; amending RCW 19.28.006, 19.28.091, 19.28.101, 19.28.141, 19.28.261, 19.28.371, 18.106.070, and 18.106.150; adding a new section to chapter 18.106 RCW; and adding a new section to chapter 70.79 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5770 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Kline)

AN ACT Relating to the regulation of motorized foot scooters; amending RCW 46.04.332, 46.16.010, 46.20.500, 46.61.710, and 46.81A.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

ESSB 5779 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke)

AN ACT Relating to sibling relationships for dependent children; and amending RCW 13.34.030, 13.34.130, 13.34.200, and 13.34.210.

Referred to Committee on Children & Family Services.

ESSB 5785 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Parlette, Doumit, Benton, Mulliken, Schmidt and Honeyford)

AN ACT Relating to the use of a vehicle on a nonhighway road or trail; and amending RCW 46.09.120.

Referred to Committee on Fisheries, Ecology & Parks.



SSB 5787 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn)

AN ACT Relating to the use of a leaching test in state water quality certifications; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5829 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Winsley)

AN ACT Relating to nursing technicians; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.79 RCW; and declaring an emergency.

Referred to Committee on Health Care.

SB 5841 by Senators Benton, Zarelli, Hewitt, Doumit, Swecker, Carlson, Rossi, Poulsen, Oke, Stevens, Honeyford, Prentice, Mulliken, Kohl-Welles, Morton, Schmidt, Roach, Parlette, B. Sheldon, West, Shin, Franklin, Rasmussen and McAuliffe

AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SSB 5852 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Prentice, Hewitt, Keiser, Oke and Parlette)

AN ACT Relating to restricting the ability of tobacco product manufacturers, wholesalers, and distributors and other persons to violate or to facilitate the violation of chapter 70.157 RCW; amending RCW 82.24.130, 82.24.145, and 82.24.210; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

2SSB 5890 by Senate Committee on Agriculture (originally sponsored by Senators Swecker, Rasmussen and Parlette)

AN ACT Relating to a pilot project by the department of labor and industries to determine the feasibility and benefits for medical monitoring of agricultural workers; creating new sections; and declaring an emergency.

ESSB 5909 by Senate Committee on Ways & Means (originally sponsored by Senators Reardon, Rossi, Roach, Poulsen, Hewitt, Shin, Doumit, Zarelli, Eide, Kline, Stevens, Keiser, McCaslin, West, Hale, McAuliffe, Parlette, Rasmussen, Sheahan and Schmidt)

AN ACT Relating to government accountability; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on State Government.

ESSB 5977 by Senate Committee on Technology & Communications (originally sponsored by Senators Esser, Schmidt, Eide, Finkbeiner, Poulsen, Reardon, Stevens, T. Sheldon and Shin)

AN ACT Relating to the use of state highway rights of way for the deployment of personal wireless service facilities; amending RCW 47.04.010 and 47.52.001; adding a new section to chapter 47.44 RCW; adding a new section to chapter 47.04 RCW; and creating new sections.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 5987 by Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Haugen, Horn, Jacobsen, Prentice, Esser, Oke and Rasmussen)

AN ACT Relating to the roles and responsibilities of transportation agencies; amending RCW 47.01.041, 47.01.071, 47.01.260, 47.01.081, 47.80.030, 47.80.060, 47.80.070, 47.05.030, 43.88.020, 43.88.030, 43.88.122, and 43.88.150; reenacting and amending RCW 47.01.101; adding a new section to chapter 47.06 RCW; adding new sections to chapter 43.88 RCW; creating new sections; repealing RCW 47.08.010, 44.40.070, and 44.40.080; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 6026 by Senate Committee on Ways & Means (originally sponsored by Senator West)

AN ACT Relating to authorizing special assessments to fund convention and tourism promotion; and amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.050, 35.87A.080, 35.87A.090, 35.87A.110, 35.87A.130, and 35.87A.140.

Referred to Committee on Trade & Economic Development.

SJM 8015 by Senators Sheahan, Hale and Rasmussen

Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market.

Referred to Committee on Agriculture & Natural Resources.

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

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

There being no objection, the House adjourned until 10:00 a.m., March 21, 2003, the 68<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY SEVENTH DAY, MARCH 20, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SIXTY EIGHTH DAY**

---

House Chamber, Olympia, Friday, March 21, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Camille Torres and Camille Weber. Prayer was offered by Father Chaplain Zula Johnston, St. Benedict's Episcopal Church, Lacey.

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

### **INTRODUCTION & FIRST READING**

HJM 4025 by Representatives Chandler, Grant, Condotta, Newhouse, Clements, Boldt and Armstrong

Requesting a preference for Washington wines and water.

Referred to Committee on Trade & Economic Development.

SSB 5053 by Senate Committee on Ways & Means (originally sponsored by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke)

AN ACT Relating to requiring legislative authority for agencies to adopt rules that exceed federal standards; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

SSB 5120 by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn)

AN ACT Relating to drivers convicted of alcohol offenses; and amending RCW 46.20.720 and 46.20.311.

Referred to Committee on Judiciary.

ESSB 5150 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Roach and Stevens)

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

SSB 5152 by Senate Committee on Land Use & Planning (originally sponsored by Senators Benton, Honeyford, Mulliken, Stevens and Zarelli)

AN ACT Relating to the authority of the Columbia river gorge commission; and adding a new section to chapter 43.97 RCW.

Referred to Committee on State Government.

SSB 5160 by Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Mulliken, McCaslin, Benton, Honeyford, Stevens, Sheahan, Deccio, Swecker, Hale, Parlette and T. Sheldon)

AN ACT Relating to growth management act counties with less than ten thousand population, less than eighteen percent taxable land base, and only one incorporated city; amending RCW 36.70A.040; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

SSB 5212 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon and Parlette)

AN ACT Relating to electricians; and amending RCW 19.28.091 and 19.28.261.

Referred to Committee on Commerce & Labor.

SSB 5235 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Morton and Doumit)

AN ACT Relating to the state environmental policy act requirements for class I, II, and III forest practices on state trust lands; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 79.68 RCW.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5247 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Esser, Jacobsen, Kastama, Prentice, Oke, Swecker and Schmidt)

AN ACT Relating to alternative local option fuel taxes; amending RCW 82.80.010 and 36.120.050; and adding new sections to chapter 82.80 RCW.

Referred to Committee on Transportation.

SSB 5251 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Thibaudeau, Shin and Kline)

AN ACT Relating to foreign judgments; and amending RCW 4.64.030 and 6.36.035.

Referred to Committee on Judiciary.

SSB 5274 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Hale, Horn, Stevens and Haugen; by request of Secretary of State)

AN ACT Relating to funding of the archives division; amending RCW 40.14.025, 40.14.027, and 36.22.175; and adding new sections to chapter 40.14 RCW.

Referred to Committee on State Government.

SB 5340 by Senators Horn, Haugen and T. Sheldon; by request of Governor Locke

AN ACT Relating to modifying the commute trip reduction program; amending RCW 70.94.527, 82.08.0287, 82.12.0282, and 82.44.015; repealing RCW 47.01.900 and 82.67.050; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5346 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Spanel

AN ACT Relating to damage to property; adding a new section to chapter 77.55 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 5355 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Jacobsen, Esser, Rasmussen, Parlette, Swecker, Sheahan, McCaslin and Mulliken)

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

ESSB 5375 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Doumit, Oke, Haugen, Swecker, Prentice, Hale, Reardon and Rasmussen)

AN ACT Relating to regulatory reform of the hydraulic project approval program; amending RCW 77.55.100; adding new sections to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

ESB 5379 by Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley

AN ACT Relating to dependency petition hearings; and amending RCW 13.34.115.

Referred to Committee on Children & Family Services.

SB 5380 by Senators Stevens, Honeyford and Schmidt

AN ACT Relating to clarifying the definition of ordinary high water mark; amending RCW 90.58.030; creating a new section; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 5400 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker)

AN ACT Relating to geoducks; and adding a new section to chapter 79.96 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

SB 5422 by Senators Benton, Prentice and Keiser; by request of Insurance Commissioner

AN ACT Relating to the sale of single premium credit insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5451 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley, Keiser and Reardon; by request of Department of Financial Institutions)

AN ACT Relating to escrow agents and officers; amending RCW 18.44.011, 18.44.031, 18.44.041, 18.44.051, 18.44.071, 18.44.081, 18.44.091, 18.44.101, 18.44.111, 18.44.121,

18.44.127, 18.44.195, 18.44.201, 18.44.410, 18.44.430, and 18.44.450; adding new sections to chapter 18.44 RCW; and repealing RCW 18.44.131.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5492 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Mulliken, Keiser and Winsley)

AN ACT Relating to timeshares; and adding a new section to chapter 64.36 RCW.

Referred to Committee on Commerce & Labor.

SSB 5497 by Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Haugen and Oke; by request of Department of Transportation)

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035.

Referred to Committee on Transportation.

SSB 5500 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Haugen, Esser, Thibaudeau, McCaslin and Horn)

AN ACT Relating to interlocal agreements for court services among municipalities; amending RCW 3.50.020 and 3.50.805; and creating a new section.

Referred to Committee on Judiciary.

SB 5515 by Senators Johnson, Kline and Sheahan

AN ACT Relating to the board of industrial insurance appeals; and amending RCW 51.52.010 and 51.52.104.

Referred to Committee on Commerce & Labor.

ESSB 5522 by Senate Committee on Commerce & Trade (originally sponsored by Senators T. Sheldon, Brandland, Carlson and Hale)

AN ACT Relating to the privatization of liquor sales; amending RCW 66.08.026, 66.08.150, 66.08.220, 66.24.440, 66.08.050, 66.08.235, 66.04.010, 66.16.030, 66.16.040, 66.20.160, 66.20.180, and 66.24.380; adding a new chapter to Title 66 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SSB 5537 by Senate Committee on Highways & Transportation (originally sponsored by Senators Benton, Prentice, Esser, Rossi, Finkbeiner, Johnson, T. Sheldon, Roach and Stevens)

AN ACT Relating to transportation alternatives in central Puget Sound; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 5578 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, T. Sheldon, Brandland, Reardon, Franklin, Esser, Haugen and Hargrove)

AN ACT Relating to bed hold for boarding home residents; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health Care.

SSB 5584 by Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Jacobsen, T. Sheldon, Morton, Deccio, Rossi and Sheahan)

AN ACT Relating to dissolution of regional transit authorities; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 5596 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley)

AN ACT Relating to custodial assault at juvenile rehabilitation facilities and institutions; and amending RCW 13.40.460.

Referred to Committee on Juvenile Justice & Family Law.

SSB 5658 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, Haugen, T. Sheldon, Morton and Rasmussen)

AN ACT Relating to the use of best available science in developing critical areas policies and regulations; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Local Government.

SB 5696 by Senators Honeyford, Prentice, Mulliken, Rasmussen, Deccio, Doumit and Parlette

AN ACT Relating to sheepherder housing; amending RCW 70.114A.020; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

SB 5726 by Senators Morton, Rasmussen, Brandland, Parlette, Swecker and Jacobsen

AN ACT Relating to eligibility to be a director of a cooperative association; and amending RCW 23.86.080.

Referred to Committee on Judiciary.

SSB 5733 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

AN ACT Relating to fairness and protection in boarding homes and adult family homes; and amending RCW 18.20.050, 18.20.110, and 70.128.060.

Referred to Committee on Health Care.

ESSB 5742 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Benton and Esser)

AN ACT Relating to procedures for rehiring retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.010, 41.32.570, 41.40.010, and 41.40.037; creating a new section; and repealing 2001 c 317 s 1.

Referred to Committee on Appropriations.

SB 5790 by Senators Franklin, Deccio, Winsley and Kline

AN ACT Relating to certificate of need exemptions for nursing facilities; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health Care.

SB 5801 by Senators Winsley, Benton, Kastama, Reardon and Schmidt

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW.

Referred to Committee on State Government.

ESSB 5889 by Senate Committee on Agriculture (originally sponsored by Senators Swecker and Rasmussen)

AN ACT Relating to animal feeding operations; amending RCW 90.64.030, 90.64.150, and 90.48.260; adding a new section to chapter 90.64 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 5891 by Senate Committee on Agriculture (originally sponsored by Senators Swecker and Rasmussen)

AN ACT Relating to livestock identification; amending RCW 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030, 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 16.57.120, 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240, 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300, 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.360, 16.57.370, 16.57.400, 16.57.410, 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.130, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.65.010, 16.65.015, 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280, 16.65.300, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400, 16.65.420, 16.65.424, 16.65.440, and 16.65.445; adding new sections to chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a new section to chapter 42.17 RCW; creating a new section; repealing RCW 16.57.380, 16.65.110, 16.65.422, and 16.65.423; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5903 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Carlson)

AN ACT Relating to juvenile offender sentences; amending RCW 13.40.160; adding new sections to chapter 13.40 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

ESB 5949 by Senators Deccio and Thibaudeau



AN ACT Relating to hospital emergency services; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care.

SB 5959 by Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner

AN ACT Relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities; amending RCW 47.52.001; and adding a new section to chapter 47.52 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 5965 by Senator McCaslin

AN ACT Relating to public facilities district boards of directors in counties in which the largest city has at least forty percent of the population and the second largest city has at least fifteen percent of the population; and amending RCW 36.100.020.

Referred to Committee on Trade & Economic Development.

ESSB 5969 by Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker and Rasmussen)

AN ACT Relating to natural resource protection in Skagit county; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6011 by Senate Committee on Ways & Means (originally sponsored by Senator Rossi)

AN ACT Relating to the business and occupation tax treatment of staffing businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

SSB 6012 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

AN ACT Relating to shoreline management; amending RCW 90.58.020, 90.58.030, 90.58.065, 90.58.090, 90.58.100, 90.58.120, 90.58.130, 90.58.140, 90.58.180, 90.58.190, 90.58.195, 90.58.200, 90.58.250, and 90.58.340; adding a new chapter to Title 90 RCW; and repealing RCW 90.58.060 and 90.58.080.

Referred to Committee on Local Government.

SJM 8012 by Senators Fraser, Morton and Kline

Asking the federal energy regulatory commission to withdraw a new pricing policy proposal.

Referred to Committee on Technology, Telecommunications & Energy.

SSCR 8402 by Senate Committee on Commerce & Trade (originally sponsored by Senators Shin, Swecker, T. Sheldon, Reardon, Fairley, West, Benton, Kohl-Welles, Rasmussen and Winsley)

Encouraging legislator trade mission participation.

Referred to Committee on Trade & Economic Development.

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

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

There being no objection, the Committee on Judiciary was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5242, and the bill was referred to the Committee on Technology, Telecommunications & Energy.

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

There being no objection, the House adjourned until 10:00 a.m., March 24, 2003, the 71<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SIXTY EIGHTH DAY, MARCH 21, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SEVENTY FIRST DAY**

---

House Chamber, Olympia, Monday, March 24, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zachary Schlegel and Stephanie Swan. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4636, By Representatives Jarrett, Delvin, Orcutt, Kristiansen, Cox, Tom, Alexander, McMahan, Bailey, Shabro, Skinner, Ahern, Mielke, Schindler, Benson, Roach, Schoesler, Holmquist, Nixon, Woods, McDonald, Priest, Clements and Boldt

WHEREAS, Sports participation has become an integral part of American life ingrained into the consciousness of society; and

WHEREAS, Sporting events have components essential to their continued success, such as the players, coaches, and fans; and

WHEREAS, Many sports officials volunteer their time or receive only minimal compensation and participate out of a sheer love of the game and to teach children who play the game the valuable lessons that are learned through participating in sports, including sportsmanship, teamwork, and complying with the rules of the game to achieve a common goal; and

WHEREAS, It is critical that there are a sufficient number of qualified sports officials to enforce the rules of the game and judge potential disputes between participants on the field; and

WHEREAS, Sports officials act as on-field judges for their respective sports and as neutral participants who have no stake in the outcome of the game; and

WHEREAS, Sports officials who give their time and energy to officiate games deserve our collective respect and must have our collective assistance in creating a safe and secure environment for our children to play; and

WHEREAS, Young people observe both the good and bad behavior of their sports heroes, other athletes, coaches, and fans and often emulate that behavior in either a positive or negative manner; and

WHEREAS, As a society, we must act on the belief that respect for authority is critical to living, working, and playing together in a civil society governed by the rule of law;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington express its appreciation to all those sports officials in recreational programs, who do all they can to promote sports as a beacon to highlight positive behavior and the need for good sportsmanship and fair play.

House Resolution No. 4636 was adopted.

HOUSE RESOLUTION NO. 2003-4642, By Representatives Pearson and Kristiansen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, High school wrestling has a long tradition of molding the student athlete of today into a leader of tomorrow and embraces the values of team, sacrifice, in addition to pride in community and self; and

WHEREAS, An inspirational example of excellence and camaraderie was shown by the Sedro-Woolley's 2003 Wrestling Team that won a second straight Team State Championship with a victory at the Washington Mat Classic; and

WHEREAS, Sedro-Woolley's seventh State Championship, finishing with 125 points and defeating second place Buckley by 32.5 points in Mat Classic XV, shall remain as a historic example of Washington Prep Wrestling greatness; and

WHEREAS, Jonny Wicker helped lead Sedro-Woolley to this victory by claiming the individual crown in the 152 pound weight class, his second straight individual championship; and

WHEREAS, The 2003 Sedro-Woolley High School Wrestling Championship Team members were Nathan Decker, Jacob Evans, Jonny Wicker, Daniel Kilcup, Steven Scott, Zach Olson, Tanner McCoy, Ryan Ringhouse, Andrew Chapman, TJ Morris, Patrick O'Neil, Patrick Janicki, Andy Goedl, Jehra Moore, Ethan Sandelin, and Brad Hayes; and

WHEREAS, The 2003 Sedro-Woolley High School Wrestling Championship Team was led by Head Coach Jay Breckinridge, Assistant Coach Jack Hurd, Assistant Coach Rick Tingley, and Volunteer Coach Dave Grenier; and

WHEREAS, The support and encouragement of the athletes by the families and the spirit shown by the school and community were an integral part in this championship season;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the accomplishments of the Sedro-Woolley Wrestling Team in their State Championship season of 2002-2003 and congratulate the team members, coaches, family, students, and community that made such an accomplishment possible; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members and coaches of the Sedro-Woolley Wrestling Team, Athletic Director Todd Torgeson, and to School Principal Mary Walker.

House Resolution No. 4642 was adopted.

### **INTRODUCTION & FIRST READING**

HB 2227 by Representatives Wallace, Rockefeller, Murray, Simpson, Hunter and Conway

AN ACT Relating to transportation-related performance audits; amending RCW 44.28.088; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new chapter to Title 44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5975 by Senate Committee on Technology & Communications (originally sponsored by Senators Reardon, Esser, Poulsen, Finkbeiner and Schmidt)

AN ACT Relating to coordinating emergency communications systems by forming the state interoperability executive committee; amending RCW 43.105.041; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications and Energy.

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

### **REPORTS OF STANDING COMMITTEES**

March 21, 2003

SSB 5088 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Recognizing that the use of certain land in Tacoma, for school purposes, is valid and meets the requirements of section 2, chapter 123, Laws of 1907. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 20, 2003

SB 5167 Prime Sponsor, Senator Regala: Modifying trust account provisions for sellers of travel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 20, 2003

SSB 5290 Prime Sponsor, Senator Committee On Commerce & Trade: Authorizing the horse racing commission to continue receiving criminal history information. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 21, 2003

ESB 5343 Prime Sponsor, Senator Parlette: Allowing WRIA 40 to be divided for the purposes of chapter 90.82 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

March 20, 2003

ESB 5560 Prime Sponsor, Senator Honeyford: Regarding the prohibition of the lawful sale of liquor on University of Washington grounds. (REVISED FOR ENGROSSED: Regarding the sale of liquor on grounds of institutions of higher education.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Local Government was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5326, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., March 25, 2003, the 72<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY FIRST DAY, MARCH 24, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SEVENTY SECOND DAY**

---

House Chamber, Olympia, Tuesday, March 25, 2003

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

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

The Speaker (Representative Lovick presiding) called upon Representative Grant to preside.

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

There being no objection, all the bills on the Second Reading calendar were referred to the Committee on Rules with the exception of HOUSE BILL NO. 1777 and HOUSE BILL NO. 2198.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1388 and HOUSE BILL NO. 1853, which were placed on the Second Reading calendar.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4641, By Representatives Anderson, Kessler, Nixon, Pflug, Cairnes, Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods

WHEREAS, Current international events have resulted in the deployment of American troops to foreign shores; and

WHEREAS, The many fathers, mothers, sons, daughters, brothers, sisters, husbands, and wives of Washington state who selflessly serve their communities, state, and nation as professional and citizen soldiers exemplify the patriotic love of country through their participation in our country's Armed Forces; and

WHEREAS, Our military men and women boldly face the difficult challenges confronting them without hesitation and with a deep sense of resoluteness, steadfastness, and duty; and

WHEREAS, The people of our state and nation rely on the brave and dependable service of our soldiers to defend our freedoms, our security, and our way of life; and

WHEREAS, All the residents of Washington state, regardless of their degree of support for the foreign policy of any administration, believe in supporting our troops who are engaged in conflict;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington express our sincerest gratitude and appreciation to our devoted military personnel who so bravely serve their country and to their families who share in their sacrifices; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington send to those serving our country our hopes, thoughts, and prayers for a safe and speedy return to their loved ones and their country.

HOUSE RESOLUTION NO. 4641 was adopted.

HOUSE RESOLUTION NO. 2003-4643, By Representatives Kristiansen and Pearson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The integrity, pride, and commitment exemplified by student athletes should stand as a model for their school and community; and

WHEREAS, The Darrington High School Boys Basketball Team reached the pinnacle of Washington Prep Athletics by concluding the 2003 season as the Class "B" Boys Basketball State Champions; and

WHEREAS, The Darrington High School Boys Basketball Team fought to a 23-4 record as the Loggers showed their dominance in the Championship game by winning by a score of 64 to 43 in a 19-point victory to defeat league rival and runner-up Shoreline Christian. This victory stands as part of the illustrious history of Darrington Basketball and gave the Loggers their first State Championship since 1957; and

WHEREAS, These student athletes were given this opportunity to excel from the support and encouragement of their families, school staff, fellow students, and the members of the Darrington community; and

WHEREAS, Jason Ashe, Bryce Boyd, Lance Chambers, Ryan Frable, Jared Grimmer, Matt Koch, Billy McMillen, Sean O'Connell, Kris Reece, Matt Reece, Evan Smith, and Jake Wicken, members of the Darrington High School Boys Basketball Team, are student athletes who have distinguished themselves with their individual and team excellence, bringing honor to their families, school, community, and state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the accomplishments of the Darrington High School Boys Basketball team in becoming 2003 State Champions and congratulate all those who have contributed to this example of excellence; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Jeff Bryson, Athletic Director Beryl Mauldin, and each member of the Darrington High School Boys Basketball Team.

HOUSE RESOLUTION NO. 4643 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., March 26, 2003, the 73<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY SECOND DAY, MARCH 25, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

## SEVENTY THIRD DAY

---

---

House Chamber, Olympia, Wednesday, March 26, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cambri Taylor and E. T. Anderson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dave Minton, Capitol Christian Center, Olympia.

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

The Speaker (Representative Lovick presiding) called upon Representative Hatfield to preside.

### INTRODUCTION & FIRST READING

HB 2228 by Representatives Murray, Wallace, Cooper, Clibborn, Simpson, Rockefeller, Hudgins and Hankins

AN ACT Relating to commute trip reduction incentives; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, and 82.16.049; prescribing penalties; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Transportation.

HB 2229 by Representatives Murray, Cooper, Wallace, Clibborn, Simpson, Hudgins and Hankins

AN ACT Relating to sales and use tax equalization payments; amending RCW 82.14.046; and providing a contingent effective date.

Referred to Committee on Transportation.

HB 2230 by Representatives Murray, Cooper, Wallace, Clibborn, Rockefeller, Simpson, Hudgins and Hankins

AN ACT Relating to deposit of fees into the multimodal transportation account; amending RCW 46.16.071, 46.20.293, and 46.29.050; reenacting and amending RCW 46.52.130; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2231 by Representatives Murray, Wallace, Cooper, Clibborn, Rockefeller, Simpson, Hudgins and Hankins

AN ACT Relating to transportation and financing; amending RCW 46.16.070, 46.68.035, 82.38.030, 82.38.035, and 82.38.047; reenacting and amending RCW 82.36.025, 46.68.090, and 46.68.110; adding a new section to chapter 82.44 RCW; adding new sections to chapter 70.94 RCW; creating a new section; providing an effective date; and declaring an emergency.



Referred to Committee on Transportation.

HB 2232 by Representatives Murray, Wallace, Cooper, Clibborn, Rockefeller, Simpson, Hudgins and Hankins

AN ACT Relating to the sale of bonds for highway improvements; adding new sections to chapter 47.10 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

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

### REPORTS OF STANDING COMMITTEES

March 24, 2003

HB 2209 Prime Sponsor, Representative Murray: Revising authority of regional transportation improvement districts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Romero; Schindler; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Hatfield; Kristiansen; Morris; Nixon and Shabro.

Passed to Committee on Rules for second reading.

March 24, 2003

SSB 5248 Prime Sponsor, Senate Committee On Highways & Transportation: Achieving transportation workforce efficiencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **'PART I ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

NEW SECTION. Sec. 101. The legislature finds that there is a pressing need for additional transportation projects to meet the mobility needs of Washington's citizens. With major new investments approved to meet these pressing needs, additional workforce assistance is necessary to ensure and enhance project delivery timelines. Recruiting and retaining a high quality workforce, and implementing new and innovative procedures for delivering these transportation projects, is required to accomplish them on a timely basis that best serves the public. It is the intent of sections 103 and 104 of this act that no state employees will lose their employment as a result of implementing new and innovative project delivery procedures.

NEW SECTION. Sec. 102. A new section is added to chapter 47.28 RCW to read as follows:  
The definitions in this section apply throughout section 103 of this act and RCW 41.06.380 unless the context clearly requires otherwise.

(1) "Construction services" means those services that aid in the delivery of the highway construction program and include, but are not limited to, real estate services and construction engineering services.

(2) "Construction engineering services" include, but are not limited to, construction management, construction administration, materials testing, materials documentation, contractor payments and general administration, construction oversight, and inspection and surveying.

**NEW SECTION. Sec. 103.** A new section is added to chapter 47.28 RCW to read as follows:

(1) The department of transportation shall work with representatives of transportation labor groups to develop a financial incentive program to aid in retention and recruitment of employee classifications where problems exist and program delivery is negatively affected. The department's financial incentive program must be reviewed and approved by the legislature before it can be implemented. This program must support the goal of enhancing project delivery timelines as outlined in section 101 of this act. Upon receiving approval from the legislature, the department of personnel shall implement, as required, specific aspects of the financial incentive package, as developed by the department of transportation.

(2) Notwithstanding chapter 41.06 RCW, the department of transportation may acquire services from qualified private firms in order to deliver the transportation construction program to the public. Services may be acquired solely for augmenting the department's workforce capacity and only when the department's transportation construction program cannot be delivered through its existing or readily available workforce. The department of transportation shall work with representatives of transportation labor groups to develop and implement a program identifying those projects requiring contracted services while establishing a program as defined in subsection (1) of this section to provide the classified personnel necessary to deliver future construction programs. The procedures for acquiring construction engineering services from private firms may not be used to displace existing state employees nor diminish the number of existing classified positions in the present construction program. The acquisition procedures must be in accordance with chapter 39.80 RCW.

(3) Starting in December 2004, and biennially thereafter, the secretary shall report to the transportation committees of the legislature on the use of construction engineering services from private firms authorized under this section. The information provided to the committees must include an assessment of the benefits and costs associated with using construction engineering services, or other services, from private firms, and a comparison of public versus private sector costs. The secretary may act on these findings to ensure the most cost-effective means of service delivery.

**Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) Nothing contained in this chapter prohibits the department of transportation from purchasing construction services or construction engineering services, as those terms are defined in section 102 of this act, by contract from qualified private businesses as specified in section 103(2) of this act.

## **PART II APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS**

**NEW SECTION. Sec. 201.** (1) The legislature finds that a skilled technical workforce is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a workforce that is insufficiently skilled to operate the transportation system at its highest level. Sections 201 through 206 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.

(4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department of labor and industries shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 201 through 206 of this act;

(d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;

(e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program.

**NEW SECTION. Sec. 202.** A new section is added to chapter 49.04 RCW to read as follows:

The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and statewide joint apprenticeships, other apprenticeship programs, representatives of labor and business organizations with interest and expertise in the transportation workforce, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2003. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

**NEW SECTION. Sec. 203.** A new section is added to chapter 47.01 RCW to read as follows:

The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of transportation professionals. The skills bank must be designed to allow all transportation authorities to draw from it when needed. The department shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2003. The report must include, but not be limited to, identification of any statutory or administrative rule changes necessary to create the skills bank and allow it to function in the manner described.

**NEW SECTION. Sec. 204.** A new section is added to chapter 47.06 RCW to read as follows:

The state interest component of the statewide multimodal transportation plan must include a plan for enhancing the skills of the existing technical transportation workforce.

**NEW SECTION. Sec. 205.** The department of labor and industries, in cooperation with the department of transportation, shall conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations and stratified random sampling survey methods. A final report must be submitted to the governor and the transportation and labor committees of the senate and house of representatives by July 1, 2003.

**NEW SECTION. Sec. 206.** A new section is added to chapter 39.12 RCW to read as follows:

- (1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department may be used only in the county for which the work was performed.
- (2) This section applies only to prevailing wage surveys initiated on or after August 1, 2003.

**NEW SECTION. Sec. 207.** The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public works administration account to the department of labor and industries for the biennium ending June 30, 2005, to carry out the purposes of sections 201, 205, and 206 of this act.

### **PART III TRANSPORTATION PLANNING AND EFFICIENCY**

**NEW SECTION. Sec. 301.** The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

**Sec. 302.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits((?)) may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 303.** A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 305.** A new section is added to chapter 46.68 RCW to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

**NEW SECTION. Sec. 306.** A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 307.** A new section is added to chapter 36.78 RCW to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

**NEW SECTION. Sec. 308.** Part headings used in this act are not part of the law.

**NEW SECTION. Sec. 309.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 310.** This act is null and void if new transportation revenues do not become law by January 1, 2004."

Correct the title.

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Romero; Shabro; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Nixon; Schindler and Woods.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 5248 which was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 9:55 a.m., March 27, 2003, the 74<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY THIRD DAY, MARCH 26, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SEVENTY FOURTH DAY**

---

House Chamber, Olympia, Thursday, March 27, 2003

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

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

**MESSAGE FROM THE SENATE**

March 26, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4644, By Representatives Linville and Ericksen

WHEREAS, The Blaine Borderites girls basketball team captured an amazing 51-33 victory over a valiant but ultimately out-hustled foe to bring a highly impressive third-place trophy home from the recent Washington State 2A tournament; and

WHEREAS, Responding admirably to the pressure-cooker competition in Yakima, the Blaine hoops contingent put the finishing touches on yet another storied Borderite campaign; and

WHEREAS, Following up on last year's fourth-place finish at state, this 2002-2003 Blaine Borderite edition won this year's Northwest District basketball crown to qualify for the state tournament; and

WHEREAS, Led by their head coach, Patrick Green, the Blaine Borderites went undefeated in their league season and finished with an overall mark of twenty-five wins and only a single setback; and

WHEREAS, Assistant coaches Connie Pilon, Heidi Kuttel, and Jordan Green helped mastermind a 2002-2003 season that for years to come will be recalled in awe whenever basketball fans recount the best times of their game; and

WHEREAS, It was a very hard-fought overtime loss in the second-to-last game of the year that kept the Blaine Borderites from playing for the state championship; and

WHEREAS, The Borderites deployed a crushing defense in holding adversaries to under forty-five points in all but one of their matchups going into the state-tournament tilts; and

WHEREAS, Unselfishness at both ends of the court and an aggressive push to the offensive boards made the Blaine Borderites a rival to regret for teams all across the Evergreen State; and

WHEREAS, Team members Linsey Taylor, Shela Robertson, Rochelle Jackson, Holly Steckler, Ainsley Nix, Phillina Cain, Kristina Francis, Kimberly Harmening, Jennifer Kramer, Jessica Summers, Amanda Stull, and Lori Robertson, and manager Hannah Steinbach brought honor and acclaim to the historic and international community of Blaine; and

WHEREAS, A large contingent of ardent Blaine boosters traveled from their Northwest Washington community and surrounding region to behold the statewide prominence claimed by their basketball mainstays;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington laud and applaud the Blaine Borderites for their incredible girls basketball season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the girls basketball coaching staff and the administration at Blaine High School.

House Resolution No. 4644 was adopted.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1063

### **REPORTS OF STANDING COMMITTEES**

March 25, 2003  
SB 5090 Prime Sponsor, Senator Carlson: Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 25, 2003  
SB 5094 Prime Sponsor, Senator Carlson: Providing optional service credit for substitute service to members of the school employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 25, 2003  
SB 5096 Prime Sponsor, Senator Regala: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5100 Prime Sponsor, Senator Fraser: Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5122 Prime Sponsor, Senator Johnson: Revising provisions of the state trademark law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5123 Prime Sponsor, Senator Johnson: Revising the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5172 Prime Sponsor, Senator Esser: Correcting obsolete references to fish and wildlife statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 26, 2003

ESB 5279 Prime Sponsor, Senator Prentice: Extending the expiration date of the transportation permit efficiency and accountability committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke and Schindler.

Passed to Committee on Rules for second reading.

March 25, 2003

SSB 5396 Prime Sponsor, Senate Committee On Judiciary: Enforcing conditions in deferred prosecutions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5570 Prime Sponsor, Senator Brown: Expanding the crime of communicating with a minor for immoral purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 2003

SB 5574 Prime Sponsor, Senator Finkbeiner: Clarifying district court jurisdiction over actions involving commercial electronic mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 2003

SSB 5627 Prime Sponsor, Senate Committee On Judiciary: Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.58 RCW to read as follows:

(1) In criminal and juvenile offense proceedings where independent proof of the corpus delicti is absent, and the alleged victim of the crime is dead or incompetent to testify, a lawfully obtained and otherwise admissible confession, admission, or other statement of the defendant shall be admissible into evidence if there is substantial independent evidence that would tend to establish the trustworthiness of the confession, admission, or other statement of the defendant.

(2) In determining whether there is substantial independent evidence that the confession, admission, or other statement of the defendant is trustworthy, the court shall consider, but is not limited to:

(a) Whether there is any evidence corroborating or contradicting the facts set out in the statement, including the elements of the offense;

(b) The character of the witness reporting the statement and the number of witnesses to the statement;

(c) Whether a record of the statement was made and the timing of the making of the record in relation to the making of the statement; and/or

(d) The relationship between the witness and the defendant.

(3) Where the court finds that the confession, admission, or other statement of the defendant is sufficiently trustworthy to be admitted, the court shall issue a written order setting forth the rationale for admission.

(4) Nothing in this section may be construed to prevent the defendant from arguing to the jury or judge in a bench trial that the statement is not trustworthy or that the evidence is otherwise insufficient to convict."



Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of ENGROSSED SENATE BILL NO. 5279 which was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 28, 2003, the 75<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY FOURTH DAY, MARCH 27, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SEVENTY FIFTH DAY**

---

House Chamber, Olympia, Friday, March 28, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachel Reclam and Zack Monaghan. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Jim Christiansen, First Presbyterian Church, Tenino.

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

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

#### **SECOND READING**

**ENGROSSED SENATE BILL NO. 5279, By Senators Prentice, Swecker, Horn, Haugen, Doumit, Finkbeiner, Benton, Esser, Morton, Johnson, T. Sheldon, Hargrove, Brandland, Honeyford, Jacobsen, Oke and Rasmussen**

**Extending the expiration date of the transportation permit efficiency and accountability committee.**

The bill was read the second time.

Representative Armstrong moved the adoption of amendment (327):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.01.290 and 1994 c 258 s 3 are each amended to read as follows:

The legislature recognizes that environmental review of transportation projects is a continuous process that should begin at the earliest stages of planning and continue through final project construction. ~~((Early and extensive involvement of the relevant environmental regulatory authorities is critical in order to avoid significant changes in substantially completed project design and engineering.))~~ Streamlining the permit approval process is essential for reducing project delays and for making the most efficient use of every transportation dollar. It is the expectation of the legislature that if a comprehensive environmental approach is integrated throughout various transportation processes, onerous, duplicative, and time-consuming permit processes will be minimized. To this end, the legislature directs that substantive standards and best management practices governing the construction of transportation projects be jointly agreed upon by both the department and Washington's natural resource agencies. After these substantive standards have been agreed upon, the legislature finds that the greatest efficiency and effectiveness in both protecting our environmental resources and in constructing the transportation infrastructure required to serve Washington's growing population will come from the implementation of these standards by the department itself, with appropriate oversight, as defined in this act, by both natural resource agencies and local governments.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best available information" means the existing sources of data, including limiting factors analyses required under chapter 77.85 RCW, that can be used to make informed decisions regarding environmental conditions within a watershed.

(2) "Best management practices" means currently available and generally accepted techniques, including new technologies or strategies that seek to reduce the negative impacts of transportation facilities, projects, and services on communities and the environment.

(3) "Committee" means the transportation permit efficiency and accountability committee created in section 3 of this act.

(4) "Least-cost planning" means the use of best available information within a watershed basin applied to transportation decision making in the planning, permitting, and mitigation phases of a project.

(5) "Programmatic permit" means a regulatory instrument that outlines permit conditions and obligations for a variety of similar project activities spanning a watershed ecosystem or geographically defined boundary, that once entered into by parties, delineates an applicant's proposed actions over a specific period of time, that may be conducted without the necessity of obtaining individual permits for the types of projects identified.

(6) "Transportation project of statewide significance" means a project or combination of projects that crosses two or more city or county jurisdictional boundaries.

**NEW SECTION. Sec. 3. TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE--CREATED.** The transportation permit efficiency and accountability committee is created.

(1) The committee will consist of nine voting members, including two members from the house of representatives, one each selected by the speaker and the minority leader of the house; two members of the senate, one each selected by the senate majority leader and the senate minority leader; one member designated by the secretary of transportation; one member designated by the director of fish and wildlife; one member designated by the director of ecology; one member designated by the Association of Washington Cities, and one member designated by the Washington State Association of Counties. The committee shall elect a chair from the four legislators appointed to the committee.

(2) Representatives of additional organizations or groups, including but not limited to the following organizations and groups, may be invited by the committee to appear before the committee and advise and provide input to the committee: The state commissioner of public lands; the Northwest

Indian Fisheries Commission; the Columbia River Intertribal Fisheries Commission; the Consulting Engineers Council of Washington; the Associated General Contractors of Washington; the Washington Construction Industry Council; the Association of Washington Business; the Building Industry Association of Washington; any statewide environmental organization; the state fish and wildlife commission; the federal Environmental Protection Agency; the National Marine Fisheries Service; the Federal Highway Administration; and the United States Fish and Wildlife Service.

(3) The committee may create technical subcommittees to assist with drafting of and advice on decisions to adopt the standards described in section 4(1)(a) of this act. In order to use the broadest range of expertise available in writing the substantive standards, the committee may appoint any individual or any representative from any organization or agency as nonvoting members of these technical subcommittees to assist in developing standards governing specific topics.

(4) Legislative members of the committee will be reimbursed for travel expenses as provided in RCW 44.04.120.

(5) The department of transportation office of environmental affairs shall provide administrative and clerical assistance to the committee.

**NEW SECTION. Sec. 4. COMMITTEE--RESPONSIBILITIES.** (1) By December 31, 2003, the committee shall:

(a) Develop concise environmental standards and best management practices for transportation projects that can be applied with certainty, consistency, and assurance of swift permit action, while taking into account the varying climate, geomorphologic, and hydrologic conditions throughout the state. The standards and best management practices must conform to all current relevant federal and state environmental regulations, and must be sufficient to protect critical areas as defined in chapter 36.70A RCW. Actions to achieve this goal must include identification and development of standards to govern both programmatic permits and individual project permits. Actions to achieve this goal may include the adoption of existing environmental standards, such as existing storm water manuals or other existing sources of standards and best management practices, if the committee decides that these existing resources meet or constitute state or federal environmental standards. These existing resources may be incorporated by reference into the standards developed by the committee. Nothing in this chapter may be interpreted as providing the committee any authority to engage in rule making other than for the purpose of drafting or adopting the standards specified in this subsection. Nothing in this chapter may be interpreted as expanding the rule-making authority of any state agency or as providing rule-making authority for any state agency, including those agencies participating on the committee;

(b) Create a streamlined consultation process for transportation projects for section 404 federal Clean Water Act and section 10 permits issued by the United States Army Corps of Engineers;

(c) Develop a least-cost methodology for analyzing environmental impacts and applying compensatory mitigation consistent with a watershed-based approach before final design;

(d) Assess models to collate and access watershed data to support early agency involvement in transportation planning and reviews under the federal Environmental Protection Act and the State Environmental Protection Act;

(e) Develop procedures to use existing best available information from a variety of sources including, but not limited to, watershed planning efforts, lead entities, regional fisheries enhancement groups, the salmon and steelhead inventory assessment project (SSIAHP), and other recognized entities as deemed appropriate by the committee, in order to determine potential mitigation site requirements for project actions within a watershed. Priority consideration should be given to the use of the state's alternative mitigation strategy to best link transportation mitigation needs with local watershed and lead entity project lists;

(f) Ensure that the department seeks federal delegation authorities to the state where appropriate to streamline permit processes including: Delegation of section 404 permit authority under the federal Clean Water Act; nonfederal lead agency status under the federal Endangered Species Act; section 106 cultural resource designation under the National Historic Preservation Act; and other appropriate authority that when delegated should result in permit streamlining.

(2) Upon completion of the drafting and adoption of the standards referred to in subsection (1)(a) of this section, the committee shall suspend its operation until it is reconvened to amend existing standards or draft or adopt additional standards as provided by section 9(4) of this act, or until it is required to draft a remediation plan as provided by section 9(3) of this act.

**NEW SECTION. Sec. 5.** (1) Upon completion of the standard drafting or adoption process specified in section 4(1)(a) of this act, the department of ecology and the department of fish and wildlife shall delegate, to the maximum extent consistent with federal law, all environmental permitting authority currently exercised by these agencies, including, but not limited to, chapters 90.48, 90.58, and 77.55 RCW. The department of ecology and the department of fish and wildlife shall delegate authority by certifying the department to self-permit with regard to all state environmental permits currently issued, approved, or consulted upon by the department of ecology and the department of fish and wildlife.

(2) As part of the department's self-permitting process, the department shall, before issuing the final permit for a transportation project of statewide significance, send a draft copy of the permit to both the department of ecology and the department of fish and wildlife for review and comment. The departments of ecology and fish and wildlife shall limit their comments to whether the department has complied with the substantive standards and best management practices developed under section 4(1)(a) of this act. The departments of ecology and fish and wildlife have thirty days to review and comment on the draft permit.

(3) Upon completion of the drafting or adoption process specified in section 4(1)(a) of this act, the department shall review the department's construction project list to determine which projects can be included in programmatic or general permits under the standards adopted under section 4(1)(a) of this act. The department shall issue seventy percent of delegated permits through use of the programmatic and general permits consistent with the standards.

**NEW SECTION. Sec. 6.** (1) Upon the certification provided for by section 5 of this act or recertification provided for by section 9 of this act, the department is exempt from obtaining any permit issued by a county, city, or town, regarding a transportation project of statewide significance, including, but not limited to, any permit issued under chapter 90.58 RCW, any permit related to regulation of critical areas under chapter 36.70A RCW, and any permit required for filling, grading, building, or construction, or any other permit required for a transportation project of statewide significance, that would otherwise be issued under a local ordinance meeting the definition of a development regulation under chapter 35.63, 35A.63, 36.70, 36.70A, or 36.70B RCW.

(2) For transportation projects of statewide significance, the department shall serve as the lead entity for all review required under the State Environmental Protection Act (SEPA), chapter 43.21C RCW. Nothing in this section may be construed as limiting the ability of local governments to participate in the SEPA process as provided for in chapter 43.21C RCW.

(3) In addition to local government participation in the SEPA process and as part of the self-permitting process set forth in this chapter, the department shall, before issuing the final permit for a transportation project of statewide significance, send a draft copy of the permit to each local government in whose jurisdiction the project is being constructed for review and comment. Each local government will have thirty days to review and comment on the draft permit.

**NEW SECTION. Sec. 7.** The department of ecology and the department of fish and wildlife may conduct inspections of projects performed by the department of transportation where the department of transportation has issued permits under authority delegated by the department of ecology or the department of fish and wildlife. If an inspector from the department of ecology or the department of fish and wildlife discovers an example of substantial noncompliance with the standards developed under section 4 of this act, the inspector shall document that example and issue a detailed report of that example, which shall be transmitted to the department of transportation. The department of transportation may issue a formal response to the report addressing whether it believes that the department or its contractors failed to substantially comply with the standards developed under section 4 of this act.

**NEW SECTION. Sec. 8.** Every two years the department shall send to the legislature, the governor, the department of ecology, and the department of fish and wildlife a report detailing its self-permitting activities over the previous two years. The report must include a detailed description of all permits issued during the previous two years and must include detailed analysis of all instances of noncompliance with the standards developed under section 4(1)(a) of this act, as well as all measures taken to prevent any future noncompliance.

**NEW SECTION. Sec. 9.** (1) Every four years, the department of fish and wildlife and the department of ecology shall jointly conduct a review of the department's self-permitting practices. The department of ecology and the department of fish and wildlife shall submit a report on the performance of the department to the legislature and the governor. The report must include a recommendation as to whether the department should be decertified from self-permitting. The department of ecology and the department of fish and wildlife may recommend that the department be decertified from self-permitting only if they find that the department has engaged in repeated substantial noncompliance with the substantive standards developed and adopted under section 4(1)(a) of this act. The department of ecology and the department of fish and wildlife shall specifically identify all instances of substantial noncompliance, and shall additionally identify measures that could be implemented to prevent the substantial noncompliance in the future. For purposes of this section, "repeated substantial noncompliance" means repeated failure to meet the substantive standards and best management practices developed and adopted under section 4(1)(a) of this act that causes more than de minimis actual harm to fish and wildlife or their associated habitat.

(2) Upon a joint finding by the department of ecology and the department of fish and wildlife that the department has engaged in repeated substantial noncompliance with the substantive standards developed under section 4(1)(a) of this act, the governor may decertify the department from self-permitting. The notice of decertification by the governor to the department must include written findings that support the basis for decertification. Upon decertification, all delegation of permitting authority from the departments of ecology and fish and wildlife, and the department's exemption from the requirements to obtain local permits as provided for in section 6(1) of this act, is suspended until the committee has developed and imposed a remediation plan as governed by subsection (3) of this section.

(3) Upon decertification of the department by the governor under subsection (2) of this section, the committee shall meet and develop a remediation plan to identify and correct department procedures that were responsible for, or contributed to, the department's substantial noncompliance with the standards. The department shall implement the remediation plan developed by the committee. Upon full implementation of the remediation plan, the department of ecology and the department of fish and wildlife shall recertify the department to self-permit.

(4) Following the four-year review specified in subsection (1) of this section, the department of ecology, the department of fish and wildlife, or the department of transportation may reconvene the committee and propose amendments or additions to the substantive standards adopted under section 4(1)(a) of this act. The committee shall use the same process for amending standards or adopting additional standards as were used to draft or adopt the initial standards as specified in section 4 of this act.

**NEW SECTION. Sec. 10. DEPARTMENT ORGANIZATION AND ADMINISTRATIVE ACTIONS.** The legislature finds that an essential component of delegated federal or state permitting authority to the department is the ability of the department to demonstrate the capacity to meet environmental responsibilities. Therefore, the legislature directs that:

(1) Environmental staff within the department shall lead the development of all environmental documentation associated with department projects and permit activities in accordance with the department's managing project delivery tools.

(2) Certified environmental staff or certified consultants shall be given the responsibility to draft environmental permits for the department.

(3) The department shall conduct special prebid meetings for projects that are environmentally complex. In addition, the department shall review environmental considerations related to these projects during the preconstruction meeting held with the contractor who is awarded the bid.

(4) Environmental staff at the department shall conduct field inspections to ensure that project activities are performed under permit conditions. These inspectors may issue stop work orders when compliance with permit standards are not being met. For this portion of their job duties, the inspectors are accountable to the director of the office of environmental services of the department.

(5) Failure to comply with a stop work order may result in civil penalties being assessed against the department and individuals involved. Willful violation by an agency or individual of a stop work notice issued by the department is subject to civil penalties. Continued failure to comply or willful violations by the department may result in loss of permit writing and program management responsibilities.

**NEW SECTION. Sec. 11. TRAINING AND COMPLIANCE.** The legislature expects the department to continue its efforts to improve training and compliance. The department shall:

(1) Provide training in environmental procedures and permit requirements for those responsible for project delivery activities;

(2) Provide resource agency-approved certification training for permit writers and environmental inspectors;

(3) Require wetland mitigation sites to be designed by biologists or landscape architects certified by the department of ecology's wetland program. Environmental mitigation site improvements must have oversight conducted by environmental staff;

(4) Develop an environmental compliance data system to track all permit conditions; and

(5) Keep detailed records of all noncompliance activities.

**NEW SECTION. Sec. 12.** A new section is added to chapter 77.55 RCW to read as follows: Where the department of fish and wildlife has delegated hydraulic project permit approval authority contained in this chapter to the department of transportation under chapter 47.--- RCW (sections 2 through 11 of this act), the department of transportation will be substituted for the department of fish and wildlife in an appeal of the approval of a permit concerning a hydraulic project that is a transportation project of statewide significance as defined in section 2 of this act. The appeal process for the permits issued by the department of transportation under authority delegated by the department of fish and wildlife will operate in the same manner as for permits granted by the department of fish and wildlife under this chapter.

**NEW SECTION. Sec. 13.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 14.** Sections 2 through 11 of this act constitute a new chapter in Title 47 RCW."

Correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Rockefeller spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

#### MOTIONS

On motion of Representative Clements, Representatives Alexander, Boldt, Mastin and Talcott were excused. On motion of Representative Santos, Representatives Edwards, Eickmeyer, Quall and Schual-Berke were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (327) to Engrossed Senate Bill No. 5279.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (327) to Engrossed Senate Bill No. 5279, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 51, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Tom and Woods - 39.

Voting nay: Representatives Armstrong, Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick,

McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Alexander, Boldt, Edwards, Eickmeyer, Mastin, Quall, Schual-Berke and Talcott - 8.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Ericksen spoke in favor of passage of the bill.

Representative Mielke spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5279.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5279 and the bill passed the House by the following vote: Yeas - 70, Nays - 19, Absent - 0, Excused - 9.

Voting yea: Representatives Anderson, Armstrong, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Rockefeller, Romero, Ruderman, Santos, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Bailey, Benson, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, McMahan, Mielke, Orcutt, Roach, Schindler, Schoesler, Sehlin and Sump - 19.

Excused: Representatives Alexander, Boldt, Edwards, Eickmeyer, Mastin, Quall, Schual-Berke, Talcott and Upthegrove - 9.

ENGROSSED SENATE BILL NO. 5279, having received the necessary constitutional majority, was declared passed.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4645, By Representatives Pettigrew and Santos

WHEREAS, The Rainier Beach Vikings high school boys basketball team won the 2003 Division AAA Washington State Championship; and

WHEREAS, Team members Ryan Anderson, Ricky Dates, Matthew Fields, Chester Giles, Josh Love, David Maddock, Anthony Perry, Lodrick Stewart, Rodrick Stewart, Terrence Williams, Allen Winston-Stewart, Romell Witherspoon, Donte Wright, and Dwayne Wright demonstrated amazing skill, perseverance, and heart in fighting their way to the championship; and

WHEREAS, Coaches Mike Bethea, Ron Howard, Al Hairston, Ed Haskins, Keiwaun Miller, and Robert Delgado demonstrated great leadership, skill, and patience in leading the team to a record of 26 wins and 3 losses; and

WHEREAS, The Rainier Beach boys basketball team was the top ranked team in the country for a period of time this year and was consistently ranked among the top 25 throughout the year; and

WHEREAS, The success of the Rainier Beach boys basketball team is a source of pride for our entire community and state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington applaud the Rainier Beach Vikings for their victory in the 3A State Basketball Tournament; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the team, the basketball coaching staff, and the administration at Rainier Beach High School.

House Resolution No. 4645 was adopted.

HOUSE RESOLUTION NO. 2003-4646, By Representatives Pettigrew and Santos

WHEREAS, The Franklin Quakers high school boys basketball team won the 2003 Division AAAA Washington State Championship; and

WHEREAS, Team members Aaron Brooks, Ricky Washington, Kellen Williams, Darryl Taylor, Zenrique Tellez, Jaxin Skyward, Lucas Eaton, Tavar Proctor, Lyndale Burlison, John Rogers, Jordan Daisy, Richie Phillips, Walter Washington, and Nate Jackson demonstrated amazing skill, perseverance, and heart in fighting their way to the championship; and

WHEREAS, Coaches Jason Kerr, Al Kawashima, Craig Jackson, Cliff Brown, and Ryland Brown demonstrated great leadership, skill, and patience in leading the team to a record of 25 wins and 2 losses; and

WHEREAS, The team's success this season was driven by the character, work ethic, and leadership of the eight seniors of the class of 2003; and

WHEREAS, The success of the Franklin boys basketball team is a source of pride for our entire community and state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington applaud the Franklin Quakers for their victory in the AAAA State Basketball Tournament; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the team, the basketball coaching staff, and the administration at Franklin High School.

House Resolution No. 4646 was adopted.

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

### **INTRODUCTION & FIRST READING**

HB 2233 by Representatives Carrell, Lovick, Talcott, Sump, McDonald, Delvin, McMahan, Crouse, Boldt, Orcutt, Newhouse, Bush, Buck and Pearson

AN ACT Relating to the supervision of offenders; amending RCW 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, and 9.94A.545; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2234 by Representatives Romero, Schoesler, Hunt and Dunshee

AN ACT Relating to state capitol campus governance; amending RCW 43.34.010, 43.34.080, and 43.34.090; adding a new section to chapter 43.34 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

ESSB 5990 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Carlson, Regala, Parlette, Rasmussen and Winsley)

AN ACT Relating to times and supervision standards for release of offenders; amending RCW 9.94A.728, 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, and 9.94A.545; reenacting and amending



RCW 9.94A.728; adding new sections to chapter 9.94A RCW; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

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

### REPORTS OF STANDING COMMITTEES

March 26, 2003

ESSB 5299 Prime Sponsor, Senate Committee On Technology & Communications: Concerning promotional service offerings. (REVISED FOR ENGROSSED: Concerning tariff and price list notices.) Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

March 26, 2003

SB 5632 Prime Sponsor, Senator Esser: Regarding utility relocation costs. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., March 31, 2003, the 78<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE

SEVENTY FIFTH DAY, MARCH 28, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**SEVENTY EIGHTH DAY**

---

House Chamber, Olympia, Monday, March 31, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aukeem Ballard and Susan Bebord. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church, Olympia.

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

### MESSAGES FROM THE SENATE

March 28, 2003

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE BILL NO. 1063, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 28, 2003

Mr. Speaker:

The President has signed ENGROSSED SENATE BILL NO. 5279, and the same is herewith transmitted.

Milt H. Doumit, Secretary

### RESOLUTION

HOUSE RESOLUTION NO. 2003-4648, By Representatives Quall, Morris, Sehlin, Bailey, Kristiansen and Pearson

WHEREAS, Every April, the beautiful Skagit Valley debuts brilliant colors of spring; and  
WHEREAS, The Skagit Valley is the second largest producer of tulips in the world; and  
WHEREAS, Every year, the Skagit Valley Tulip Festival involves the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, Conway, and Upper Skagit Valley; and

WHEREAS, 2003 will mark the festival's 20th anniversary, and beginning this year the Skagit Valley Tulip Festival will be held during the entire month of April instead of the usual three weekends; and

WHEREAS, This year's Tulip Festival Ambassadors, Lindsey Oosterhof and Michael Elhardt, will ably and personally perform their responsibilities as representatives of this festival; and

WHEREAS, Highlights of the festival include the Annual Kiwanis Salmon Barbeque, Downtown Mount Vernon Street Fair, Anacortes Quilt Walk, and much more, including last year's added attraction, the Country Market; and

WHEREAS, More than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of Skagit Valley; and

WHEREAS, This nationally acclaimed celebration creates a spirit of communal pride for residents of Skagit Valley;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, Tulip Festival Committee, community leaders, and corporate sponsors for the success of this important event; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all Washington residents to take time to enjoy this spectacular display, which reflects the fullness of life in the valley and the valley's wonderful people; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Skagit Valley Tulip Festival Executive Director Audrey Smith and the Tulip Festival Ambassadors.

House Resolution No. 4648 was adopted.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED SENATE BILL NO. 5279

**REPORT OF CONFERENCE COMMITTEE**

March 15, 2003

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5403, Making 2001-03 supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the attached striking amendment (S-2471.4/03) be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2002 c 371 s 112 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2002) \$14,900,000

General Fund--State Appropriation (FY 2003) (~~(\$15,388,000)~~)

\$17,430,000

Public Safety and Education Account--State Appropriation \$27,468,000

Judicial Information Systems Account--State Appropriation \$27,758,000

TOTAL APPROPRIATION (~~(\$85,514,000)~~)

\$87,556,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) (~~No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.~~)

(~~3~~) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(~~4~~) (3) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

~~((5))~~ (4) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

~~((6))~~ (5) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

~~((7))~~ (6) \$750,000 of the public safety and education account-- state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

~~((8))~~ (7) \$1,800,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information systems. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2001-03 biennium.

**Sec. 102.** 2002 c 371 s 113 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2002) \$600,000

General Fund--State Appropriation (FY 2003) \$170,000

General Fund--Private/Local Appropriation (FY 2003) \$5,000

Public Safety and Education Account--State Appropriation \$12,344,000

TOTAL APPROPRIATION (~~(\$13,444,000)~~)

\$13,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The general fund--state appropriations are provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

(i) Develop criteria for a statewide program to improve dependency and termination defense;

(ii) Examine caseload impacts to the courts resulting from improved defense practices; and

(iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

**Sec. 103.** 2002 c 371 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2002) \$4,497,000

General Fund--State Appropriation (FY 2003) (~~(\$4,028,000)~~)

\$3,970,000

General Fund--Federal Appropriation \$219,000

Water Quality Account--State Appropriation (~~(\$3,908,000)~~)

\$3,882,000

TOTAL APPROPRIATION (~~(\$12,652,000)~~)

\$12,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,908,000)~~) \$3,882,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the salmon recovery office to support the efforts of the independent science panel.

**Sec. 104.** 2002 c 371 s 118 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$269,000

General Fund--State Appropriation (FY 2003) (~~(\$274,000)~~)

\$279,000

TOTAL APPROPRIATION (~~(\$543,000)~~)

\$548,000

**Sec. 105.** 2002 c 371 s 119 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$233,000

General Fund--State Appropriation (FY 2003) (~~(\$201,000)~~)

\$184,000

TOTAL APPROPRIATION (~~(\$434,000)~~)

\$417,000

**Sec. 106.** 2002 c 371 s 122 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2002) \$4,811,000

General Fund--State Appropriation (FY 2003) (~~(\$4,070,000)~~)

\$4,073,000

General Fund--Federal Appropriation \$2,868,000

Public Safety and Education Account--State Appropriation \$1,753,000

Tobacco Prevention and Control Account Appropriation \$277,000

New Motor Vehicle Arbitration Account--State Appropriation \$1,163,000

Legal Services Revolving Account--State Appropriation \$147,422,000

TOTAL APPROPRIATION (~~(\$162,364,000)~~)

\$162,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of

financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4)(a) \$87,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the office of the attorney general to prepare a report by October 1, 2002, on federal and Indian reserved water rights, and to submit the report to the standing committees of the legislature having jurisdiction over water resources. The objectives of the report shall be to:

(i) Examine and characterize the types of water rights issues involved;  
(ii) Examine the approaches of other states to such issues and their results;  
(iii) Examine methods for addressing such issues including, but not limited to, administrative, judicial, or other methods, or any combinations thereof; and

(iv) Examine implementation and funding requirements.

(b) Following receipt of the report, the standing committees of the legislature having jurisdiction over water resources shall seek and consider the recommendations of the relevant departments and agencies of the United States, the federally recognized Indian tribes with water-related interests in the state, and water users in the state and shall develop recommendations.

**Sec. 107.** 2002 c 371 s 125 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2002) \$70,893,000

General Fund--State Appropriation (FY 2003) (~~(\$60,499,000)~~)

\$59,723,000

General Fund--Federal Appropriation (~~(\$173,342,000)~~)

\$201,965,000

General Fund--Private/Local Appropriation \$7,980,000

Public Safety and Education Account--State Appropriation \$10,094,000

Public Works Assistance Account--State Appropriation \$1,911,000

Salmon Recovery Account--State Appropriation \$1,500,000

Film and Video Promotion Account--State Appropriation \$25,000

Building Code Council Account--State Appropriation (~~(\$1,226,000)~~)

\$1,061,000

Administrative Contingency Account--State Appropriation \$1,777,000

Low-Income Weatherization Assistance Account--State Appropriation \$3,292,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$7,513,000

Manufactured Home Installation Training Account--State Appropriation \$256,000

Community Economic Development Account--State Appropriation \$113,000

Washington Housing Trust Account--State Appropriation \$10,368,000

Public Facility Construction Loan Revolving Account--State Appropriation \$586,000

TOTAL APPROPRIATION (~~(\$351,375,000)~~)

\$379,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and \$2,838,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) \$10,804,156 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$200,000 to the department for grants to support tribal law enforcement needs;
- (e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (h) \$697,075 to the department to continue domestic violence legal advocacy;
- (i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;
- (k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (l) \$91,000 to the department to continue the governor's council on substance abuse;
- (m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;
- (n) \$901,180 to the office of financial management for criminal history records improvement; and
- (o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$320,000 of the general fund--state appropriation for fiscal year 2002 and \$320,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the rural economic opportunity fund.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the Washington housing trust account appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(21) \$1,868,000 of the Washington housing trust account appropriation for fiscal year 2003 is provided solely for emergency shelter assistance. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(22) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the community connections program in Walla Walla.

(24) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

(25) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

(26) \$81,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for business finance and loan programs.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

(28) \$120,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for operating a business information hotline.

(29) \$29,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.



(30) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

~~((32))~~ (31) \$10,111,682 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2003 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$494,675 to the office of financial management for criminal history records improvement;

(l) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence; and

(m) \$813,358 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

~~((33)) \$165,000 of the building code council account appropriation for fiscal year 2003 is provided solely for the state building code council pursuant to Senate Bill No. 5352 (building code council fee increase). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~

~~(35))~~ (32) The appropriations in this section reflect a reduction of \$504,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of trade and economic development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

~~((36))~~ (33) \$40,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement the state task force on funding for community-based services to victims of crime as provided in Senate Bill No. 6763. If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((37))~~ (34) The appropriations in this section reflect a reduction of \$1,641,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of community development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

**Sec. 108.** 2002 c 371 s 127 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2002) \$12,456,000

General Fund--State Appropriation (FY 2003) ~~((12,508,000))~~

\$12,488,000

General Fund--Federal Appropriation ~~((23,657,000))~~

\$35,657,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$226,000

State Auditing Services Revolving Account--State Appropriation \$25,000

TOTAL APPROPRIATION ((~~\$48,872,000~~))

\$60,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

(2) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The office of financial management shall achieve a reduction of \$339,000 in its billings for financial system services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2671 (permit assistance center). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for an assessment and performance scoring of state agencies and separate systemwide performance audits of two governmental functions: State capital construction practices and state contracting practices.

(a) The scorecard on state agencies shall include, but not be limited to, the following:

- (i) Quality and process management practices;
- (ii) Independent and internal audit functions;
- (iii) Internal and external customer satisfaction;
- (iv) Program effectiveness;
- (v) Fiscal productivity and efficiency; and
- (vi) Statutory and regulatory compliance.

Each agency shall be graded on the categories selected for the scorecard. The office of financial management shall submit the results of the performance scoring, forward recommendations for legislation to the governor and the appropriate committees of the legislature by November 30, 2002, and release the results of the performance scoring to the public.

(b)(i) The office of financial management shall conduct separate systemwide performance audits on the state's capital construction and contracting practices using generally accepted government auditing standards. Each performance audit shall include, but not be limited to, a review of the following:

- (A) Validity and reliability of management's performance measures;
- (B) A review of internal controls and internal audits;
- (C) The adequacy of systems used for measuring, reporting, and monitoring performance;
- (D) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and
- (E) Identification and recognition of best practices.

(ii) The performance audit on state capital construction practices shall include building projects, highway projects, and architectural and engineering services. The following state agencies, at a minimum, shall be subject to audit sampling: Department of transportation, department of general administration, and state higher education agencies.

(iii) The performance audit on state contracting practices shall include state agencies with sufficient activity with personal services contracts and other types of contracts to evaluate the state's contracting practices.

(iv) The office of financial management shall grade the results of the performance audits to indicate agencies' performance regarding capital construction and contracting practices. The office of financial management shall report findings from the performance audits to the governor and appropriate legislative committees by November 30, 2002.

(c) The office of financial management may contract for consulting services in completing requirements under this subsection.

**Sec. 109.** 2002 c 371 s 128 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation ((~~\$22,394,000~~))

\$23,473,000

**Sec. 110.** 2002 c 371 s 132 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2002) \$226,000

General Fund--State Appropriation (FY 2003) ((~~\$240,000~~))

TOTAL APPROPRIATION (( <del>\$436,000</del> ))	<u>\$215,000</u>
	<u>\$441,000</u>

**Sec. 111.** 2002 c 371 s 133 (uncodified) is amended to read as follows:  
**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$211,000	
General Fund--State Appropriation (FY 2003) (( <del>\$207,000</del> ))	<u>\$212,000</u>
TOTAL APPROPRIATION (( <del>\$418,000</del> ))	<u>\$423,000</u>

**Sec. 112.** 2002 c 371 s 135 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation \$378,000	
Department of Retirement Systems Expense Account--State Appropriation (( <del>\$49,183,000</del> ))	<u>\$49,044,000</u>
TOTAL APPROPRIATION (( <del>\$49,561,000</del> ))	<u>\$49,422,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.
- (2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.
- (3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.
- (4) \$440,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).
- (5) \$6,420,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).
- (6) \$96,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6376 (PERS plan 3 transfer payment). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
- ~~(7) (\$9,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6377 (TRS plan 1 extended school year). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~
- ~~(8))~~ (8) \$12,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6378 (LEOFF plan 2 part-time leave of absence). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
- ~~((9))~~ (9) \$122,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6379 (transferring service credit to WSPRS). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
- ~~((10))~~ (10) \$651,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6380 (survivor benefits). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
- ~~((11))~~ (11) \$53,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6381 (PERS plan 1 terminated vested). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
- ~~((12) \$130,000 of the department of retirement systems expense account appropriation for fiscal year 2003 is provided solely for the implementation of House Bill No. 2896 (EMT service credit transfer). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~
- ~~(13))~~ (11) The appropriations in this section are reduced to reflect savings resulting from a 0.01 percent reduction of the department of retirement systems administrative expense rate, effective May 1, 2002, from 0.23 to 0.22 for the remainder of the 2001-03 biennium.

**Sec. 113.** 2002 c 371 s 137 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2002) (( <del>\$72,823,000</del> ))	<u>\$72,820,000</u>
General Fund--State Appropriation (FY 2003) (( <del>\$78,149,000</del> ))	<u>\$77,118,000</u>

Timber Tax Distribution Account--State Appropriation	\$5,131,000	
Waste Education/Recycling/Litter Control--State Appropriation	\$101,000	
State Toxics Control Account--State Appropriation	\$67,000	
Oil Spill Administration Account--State Appropriation	\$14,000	
Multimodal Transportation Account--State Appropriation ( <del>(\$109,000)</del> )		\$9,000
<b>TOTAL APPROPRIATION (<del>(\$156,394,000)</del>)</b>		<u>\$155,260,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

(a) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(b) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

(c) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

(d) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

~~(\$109,000)~~ (2) \$9,000 of the multimodal transportation account--state appropriation for fiscal year 2003 is provided solely for the department to implement the provisions of House Bill No. 2969 (transportation). If the bill is not enacted by January 1, 2003, the amount provided in this subsection shall lapse. Further, the amount provided in this subsection shall lapse to the extent that funds are provided for this purpose in the transportation appropriations act.

**Sec. 114.** 2002 c 371 s 139 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2002)	\$549,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$655,000)</del> )		\$646,000
General Fund--Federal Appropriation	\$1,930,000	
General Fund--Private/Local Appropriation	\$223,000	
State Capitol Vehicle Parking Account--State Appropriation	\$154,000	
General Administration Services Account--State Appropriation	\$39,546,000	
<b>TOTAL APPROPRIATION (<del>(\$43,057,000)</del>)</b>		<u>\$43,048,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following:  
(a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable

outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

(3) \$44,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to implement the waste management and recycling provisions of Substitute House Bill No. 2308 (encouraging recycling and waste reduction). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of general administration shall achieve a reduction of \$1,302,000 in its billings for motor pool, consolidated mail, and other services that state agencies purchase in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(5) Beginning on the effective date of this act, the department of general administration shall not purchase or lease any additional automobiles for the state motor pool, unless the director of general administration determines that the purchase or lease is necessary for the safety of state personnel.

**Sec. 115.** 2002 c 371 s 143 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2002)	\$1,483,000	
General Fund--State Appropriation (FY 2003)	\$1,439,000	
General Fund--Federal Appropriation (FY 2003)	\$99,000	
Liquor Control Board Construction and Maintenance		
Account--State Appropriation	\$9,684,000	
Liquor Revolving Account--State		
Appropriation ( <del>(\$125,927,000)</del> )		\$126,407,000
<b>TOTAL APPROPRIATION (<del>(\$138,632,000)</del>)</b>		<b><u>\$139,112,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

(3) \$84,000 of the liquor control board construction and maintenance account appropriation for fiscal year 2003 is provided solely for the liquor control board to employ additional staff during the holiday season to handle the expected increase in sales volume at the Seattle distribution center.

**Sec. 116.** 2002 c 371 s 145 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2002)	\$9,165,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$8,710,000)</del> )		\$8,740,000
General Fund--Federal Appropriation ( <del>(\$22,509,000)</del> )		<u>\$28,003,000</u>
General Fund--Private/Local Appropriation	\$234,000	
Enhanced 911 Account--State Appropriation	\$20,269,000	
Disaster Response Account--State Appropriation ( <del>(\$2,010,000)</del> )		\$1,531,000
Disaster Response Account--Federal Appropriation ( <del>(\$6,510,000)</del> )		<u>\$3,243,000</u>
Worker and Community Right to Know Fund--State Appropriation	\$283,000	
Nisqually Earthquake Account--State Appropriation ( <del>(\$29,027,000)</del> )		

Nisqually Earthquake Account--Federal Appropriation ( <del>(\$49,641,000)</del> )	<u>\$24,101,000</u>
	<u>\$48,153,000</u>
TOTAL APPROPRIATION ( <del>(\$148,358,000)</del> )	<u>\$143,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,906,000)~~) \$1,427,000 of the disaster response account-- state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) (~~(\$2,145,000)~~) \$1,967,000 of the Nisqually earthquake account-- state appropriation and (~~(\$4,174,000)~~) \$3,305,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) (~~(\$678,000)~~) \$641,000 of the Nisqually earthquake account-- state appropriation and (~~(\$3,420,000)~~) \$3,797,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$217,000)~~) \$227,000 is provided for the state matching share for state agencies and (~~(\$462,000)~~) \$414,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) (~~(\$8,970,000)~~) \$10,493,000 of the Nisqually earthquake account--state appropriation and (~~(\$42,047,000)~~) \$41,051,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$3,924,000)~~) \$5,237,000 is provided for the state matching share for state agencies and (~~(\$5,046,000)~~) \$5,256,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(8) (~~(\$17,234,000)~~) \$11,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(9) \$2,818,000 of the enhanced 911 account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6034 or House Bill No. 2595 (enhanced 911 excise tax). If neither bill is enacted by June 30, 2002, the amount provided in this subsection shall lapse.

## PART II HUMAN SERVICES

**Sec. 201.** 2002 c 371 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent

allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2002, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 among programs after approval by the director of financial management; and after May 1, 2003, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after such approval. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2002 or fiscal year 2003 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

**Sec. 202.** 2002 c 371 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$225,104,000

General Fund--State Appropriation (FY 2003) (~~(\$231,042,000)~~)

\$227,238,000

General Fund--Federal Appropriation (~~(\$369,403,000)~~)

\$376,136,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--State Appropriation \$964,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$5,639,000

TOTAL APPROPRIATION (~~(\$832,552,000)~~)

\$835,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,271,000 of the fiscal year 2003 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation, \$375,000 of the general fund--state fiscal year 2003 appropriation, and \$161,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster,

and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,150,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$5,710,000 of the fiscal year 2003 general fund--state appropriation, and \$19,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection. By April 2003, the department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$1,767,000 of the general fund--state appropriation for fiscal year 2003, and \$1,241,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).



Sec. 203. 2002 c 371 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2002) \$83,151,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$79,107,000)</del> )	<u>\$78,281,000</u>
General Fund--Federal Appropriation ( <del>(\$13,803,000)</del> )	<u>\$13,645,000</u>
General Fund--Private/Local Appropriation \$1,110,000	
Juvenile Accountability Incentive Account--Federal Appropriation \$10,461,000	
Public Safety and Education Account--State Appropriation \$6,047,000	
Violence Reduction and Drug Enforcement Account--State Appropriation \$37,174,000	
TOTAL APPROPRIATION ( <del>(\$230,853,000)</del> )	<u>\$229,869,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(6) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

(7) \$423,000 of the general fund--state appropriation for fiscal year 2002, \$754,100 of the general fund--state appropriation for fiscal year 2003, \$152,000 of the general fund--federal appropriation, \$172,000 of the public safety and education assistance account appropriation, and \$604,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

(8) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(9) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(10) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of

services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(11) The distributions made under (9) and (10) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(12) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(13) \$1,692,000 of the juvenile accountability incentive account-- federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(14) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

(15) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(16) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(17) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(18) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$68,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

(20) \$945,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for providing additional research-based services to the juvenile parole population. The juvenile rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population.

(21) The juvenile rehabilitation administration shall continue to allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

**Sec. 204.** 2002 c 371 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2002) \$194,566,000

General Fund--State Appropriation (FY 2003) (~~(\$177,206,000)~~)

\$179,547,000

General Fund--Federal Appropriation (~~(\$358,377,000)~~)

\$360,727,000

General Fund--Local Appropriation \$25,596,000

Health Services Account--State Appropriation \$2,450,000

TOTAL APPROPRIATION (~~(\$758,195,000)~~)

\$762,886,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, \$2,829,000 of the general fund--state appropriation for fiscal year 2003, and \$3,157,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and four additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to 3.5 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional 5.0 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and

increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

((+)) (h) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2002 and 2003 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2001.

((+)) (i) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2002 and 2003 by the full amount by which the regional support network's reserves and fund balances as of December 31, 2001, exceed the required risk reserve for that regional support network. The required reserve amount shall be calculated by applying the risk reserve percentage specified in the department's contract with the regional support network to the total state and federal revenues for which the regional support network would otherwise be eligible in accordance with this subsection. As used in this subsection, "reserves" does not include capital project reserves established in accordance with state accounting and reporting standards before January 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$84,878,000	
General Fund--State Appropriation (FY 2003) ( <del>\$80,784,000</del> )	<u>\$88,187,000</u>
General Fund--Federal Appropriation ( <del>(\$139,821,000)</del> )	<u>\$134,120,000</u>
General Fund--Private/Local Appropriation ( <del>(\$29,532,000)</del> )	<u>\$29,680,000</u>
TOTAL APPROPRIATION ( <del>(\$335,015,000)</del> )	<u>\$336,865,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by 178 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$18,267,000
General Fund--State Appropriation (FY 2003) ( <del>(\$20,934,000)</del> )

	<u>\$21,320,000</u>
TOTAL APPROPRIATION ( <del>(\$39,201,000)</del> )	<u>\$39,587,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,587,000 of the general fund--state appropriation for fiscal year 2002 and \$2,646,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, up to \$45,000 per year is provided for the city of Lakewood for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Substitute Senate Bill No. 6594 (secure community transition facilities). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002)	\$444,000
General Fund--State Appropriation (FY 2003)	\$443,000
General Fund--Federal Appropriation	\$2,082,000
TOTAL APPROPRIATION	\$2,969,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002)	\$3,104,000
General Fund--State Appropriation (FY 2003) ( <del>(\$3,111,000)</del> )	
	<u>\$4,527,000</u>
General Fund--Federal Appropriation ( <del>(\$5,659,000)</del> )	
	<u>\$7,077,000</u>
TOTAL APPROPRIATION ( <del>(\$11,874,000)</del> )	<u>\$14,708,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a

final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**Sec. 205.** 2002 c 371 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$233,705,000

General Fund--State Appropriation (FY 2003) (~~(\$255,415,000)~~)

\$250,654,000

General Fund--Federal Appropriation (~~(\$405,773,000)~~)

\$400,311,000

Health Services Account--State Appropriation \$903,000

TOTAL APPROPRIATION (~~(\$895,796,000)~~)

\$885,573,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) (~~((b) \$10,050,000 of the fiscal year 2003 general fund--state appropriation and \$3,550,000 of the general fund--federal appropriation are provided solely for expanded access to community services. A total of \$7,800,000 is provided for additional residential services for persons on the home and community based waiver. A total of \$3,600,000 is provided for family support and high school transition. A total of \$2,700,000 is provided between this subsection and subsection (3) of this section for staffing and other costs to improve oversight of quality of care, program management, and fiscal management.))~~) New funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments. (~~These amounts and the specified expansion of community services are intended to be the fiscal component of the negotiated settlement in the pending litigation on developmental disabilities services, ARC v. Quasim.~~)

(~~(e))~~) (b) The health services account appropriation and \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(~~((d))~~) (c) \$902,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$3,372,000)~~) \$2,274,000 of the general fund--state appropriation for fiscal year 2003, and (~~(\$4,056,000)~~) \$3,011,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(~~((e))~~) (d) \$1,153,000 of the general fund--state appropriation for fiscal year 2002, \$3,054,000 of the general fund--state appropriation for fiscal year 2003, and \$4,031,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(~~((f))~~) (e) The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for changes assumed in additional funding provided in subsections (~~((b), (d), and (e))~~) (c) and (d) of this section. Prior to submitting to the health care financing authority any

additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

((~~e~~)) (f) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

((~~h~~)) (g) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

((~~i~~)) (h) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state- funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$69,375,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$68,203,000)</del> )	<u>\$68,914,000</u>
General Fund--Federal Appropriation ( <del>(\$145,672,000)</del> )	<u>\$146,495,000</u>
General Fund--Private/Local Appropriation \$11,230,000	
TOTAL APPROPRIATION ( <del>(\$294,480,000)</del> )	<u>\$296,014,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department shall make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages, and maintain expenditures within allotments, as assumed in the appropriations in this subsection.

#### (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$1,711,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$2,007,000)</del> )	<u>\$3,088,000</u>
General Fund--Federal Appropriation ( <del>(\$2,612,000)</del> )	<u>\$3,421,000</u>
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$1,767,000	
TOTAL APPROPRIATION ( <del>(\$8,097,000)</del> )	<u>\$9,987,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$270,000 of the fiscal year 2003 general fund--state appropriation and \$170,000 of the general fund--federal appropriation are provided solely for improved fiscal management of the home and community-based waiver and other community services.

(b) \$100,000 of the telecommunications devices for the hearing and speech impaired account appropriation is provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

**Sec. 206.** 2002 c 371 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$505,983,000

General Fund--State Appropriation (FY 2003) (~~(\$513,154,000)~~)

\$513,676,000

General Fund--Federal Appropriation (~~(\$1,053,299,000)~~)

\$1,052,943,000

General Fund--Private/Local Appropriation (~~(\$11,803,000)~~)

\$11,387,000

Health Services Account--State Appropriation (~~(\$4,523,000)~~)

\$5,087,000

TOTAL APPROPRIATION (~~(\$2,088,762,000)~~)

\$2,089,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$1,423,000)~~) \$1,458,000 of the general fund--state appropriation for fiscal year 2003, and (~~(\$6,794,000)~~) \$7,346,000 of the general fund-- federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than (~~(\$132.58)~~) \$131.57 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 1.5 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one- time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.



(8) In accordance with Substitute House Bill No. 1341, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 50 persons by the end of fiscal year 2002, nor 600 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection.

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002, and by December 1, 2002.

**Sec. 207.** 2002 c 371 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$442,984,000

General Fund--State Appropriation (FY 2003) (~~(\$394,974,000)~~)

\$406,972,000

General Fund--Federal Appropriation (~~(\$1,359,505,000)~~)

\$1,363,821,000

General Fund--Private/Local Appropriation \$33,880,000

TOTAL APPROPRIATION (~~(\$2,231,343,000)~~)

\$2,247,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$281,035,000~~ of the general fund--state appropriation for fiscal year 2002, (~~(\$277,231,000)~~) \$281,089,000 of the general fund-- state appropriation for fiscal year 2003, (~~(\$1,254,197,000)~~) \$1,258,165,000 of the general fund--federal appropriation, and \$31,444,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) ~~\$54,623,000~~ of the general fund--state appropriation for fiscal year 2002 and (~~(\$44,431,000)~~) \$51,147,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance-- unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) ~~\$5,632,000~~ of the general fund--state appropriation for fiscal year 2002 and (~~(\$4,032,000)~~) \$6,852,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

(6) It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for supplemental security income (SSI) supplemental payments. Within the amount

remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses.

(7) \$311,000 of the fiscal year 2003 general fund--state appropriation and \$255,000 of the general fund--federal appropriation are provided solely for the department to: (a) Increase and improve efforts to verify that children and pregnant women are in fact eligible for the medical assistance services they receive; and (b) review their continued eligibility for medical assistance services every six months. The improved income verification efforts shall be implemented no later than April 1, 2003, and shall include review of recipient documentation and employer contacts to verify that the income declared by applicants and recipients is accurate. These efforts will be supplemented by electronic records checks that will be in place by July 1, 2003. The six-month rather than annual review of continued eligibility is to be implemented no later than November 2003. All administrative rules, guidelines, and procedures; staffing levels and training; and changes to electronic systems necessary to implement the six-month review of continued eligibility shall be in place as required to timely implement the six-month reviews beginning November 2003.

(8) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

**Sec. 208.** 2002 c 371 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2002) \$35,851,000

General Fund--State Appropriation (FY 2003) (~~(\$37,022,000)~~)

\$36,548,000

General Fund--Federal Appropriation (~~(\$91,549,000)~~)

\$91,539,000

General Fund--Private/Local Appropriation \$723,000

Public Safety and Education Account--State Appropriation \$13,427,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$52,306,000

TOTAL APPROPRIATION (~~(\$230,878,000)~~)

\$230,394,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$810,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) \$1,000,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation and \$75,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding.

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

(5) \$500,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2003 is provided solely for the department to provide treatment for pathological gambling or training for the treatment of pathological gambling under Second Substitute Senate Bill No. 6560 (shared game lottery). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing).

**Sec. 209.** 2002 c 371 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002) \$1,081,150,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$1,124,758,000)</del> )	<u>\$1,202,277,000</u>
General Fund--Federal Appropriation ( <del>(\$3,621,077,000)</del> )	<u>\$3,319,133,000</u>
General Fund--Private/Local Appropriation ( <del>(\$211,272,000)</del> )	<u>\$216,735,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation ( <del>(\$9,200,000)</del> )	<u>\$10,700,000</u>
Health Services Account--State Appropriation ( <del>(\$1,104,119,000)</del> )	<u>\$720,236,000</u>
TOTAL APPROPRIATION ( <del>(\$7,151,576,000)</del> )	<u>\$6,550,231,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, (~~(\$1,380,000)~~) \$337,000 of the health services account appropriation for fiscal year 2003, and (~~(\$2,000,000)~~) \$960,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, (~~(\$523,600,000)~~) \$199,111,000 of the health services account appropriation and (~~(\$530,585,000)~~) \$201,049,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least (~~(98)~~) 95 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) (~~(\$38,766,000)~~) \$40,428,000 of the health services account appropriation (~~(for fiscal year 2002, \$40,494,000 of the health services account appropriation for fiscal year 2003, and \$79,839,000)~~) and \$40,807,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and (~~(initiate)~~) report on the feasibility of a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

(20) \$21,000 of the general fund--state appropriation and \$189,000 of the general fund--federal appropriation are provided solely for initiation of a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative

approaches. The department shall receive specific authorization in the 2003-05 appropriations act before proceeding with procurement of the replacement system.

**Sec. 210.** 2002 c 371 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2002) \$11,135,000

General Fund--State Appropriation (FY 2003) (~~(\$9,385,000)~~)

\$9,371,000

General Fund--Federal Appropriation (~~(\$82,235,000)~~)

\$82,185,000

General Fund--Private/Local Appropriation \$360,000

TOTAL APPROPRIATION (~~(\$103,115,000)~~)

\$103,051,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

(2) The department shall actively assist participants in the employment support services program to obtain other employment or training opportunities over the course of fiscal year 2003.

**Sec. 211.** 2002 c 371 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$30,419,000

General Fund--State Appropriation (FY 2003) (~~(\$22,419,000)~~)

\$24,818,000

General Fund--Federal Appropriation (~~(\$47,135,000)~~)

\$48,157,000

General Fund--Private/Local Appropriation \$810,000

TOTAL APPROPRIATION (~~(\$100,783,000)~~)

\$104,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

(5) The department shall implement reductions in administrative expenditures assumed in these appropriations that achieve ongoing savings, reduce duplicative and redundant work processes, and, where possible, eliminate entire administrative functions and offices. The department may transfer amounts among sections and programs to achieve these savings provided that reductions in direct services to clients and recipients of the department shall not be counted as administrative reductions. The department shall report to the appropriate committees of the legislature a spending plan to achieve these reductions by July 1, 2002, and shall

report actual achieved administrative savings and projected saving for the remainder of the biennium by December 1, 2002.

**Sec. 212.** 2002 c 371 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2002) \$6,655,000

State Health Care Authority Administrative Account--State Appropriation (~~(\$20,032,000)~~)

\$19,310,000

Health Services Account--State Appropriation (~~(\$538,828,000)~~)

\$502,278,000

General Fund--Federal Appropriation (~~(\$4,240,000)~~)

\$3,521,000

~~((Medical Aid Account--State Appropriation \$45,000))~~

TOTAL APPROPRIATION (~~(\$569,800,000)~~)

\$531,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the health services account--state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns and recent pay history from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; and (e) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(6) ((The health services account revenues generated by Initiative Measure No. 773 which are appropriated in this section shall be used to subsidize enrollments in excess of the 125,000 per month base enrollment level as follows:~~

~~(a) \$20,000,000 is provided solely for enrollment in the subsidized basic health plan of persons who, solely by reason of their immigration status, are not eligible for medicaid coverage of their nonemergent medical care needs. From July 2002 to October 2002, opportunities for subsidized coverage will be offered on a phased-in basis to this group of persons. Any entity or organization may sponsor subsidized basic health plan enrollment.~~

~~(b) Beginning January 1, 2003, subsidized basic health plan coverage shall be offered on a phased-in basis to an additional 20,000 enrollees.~~

~~(7))~~ \$3,000,000 of the health services account--state appropriation for fiscal year 2003 is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

~~((8))~~ (7) The health care authority shall report to the fiscal committees of the legislature on the costs, benefits, and feasibility of implementing a system no later than January 1, 2004, under which the state's contribution to the cost of employee medical coverage would be graduated according to employee salary. Under the graduated system, employees in higher salary ranges would pay a larger share of the cost of their medical coverage, while those paid lower salaries would pay a smaller percentage of their premium. The report shall be

prepared in consultation with the department of personnel and the state-supported colleges and universities, and shall be submitted to the fiscal committees no later than December 1, 2002.

~~((9))~~ (8) In consultation with the department of personnel and with the state-supported colleges and universities, the health care authority shall report to the fiscal committees of the legislature by October 1, 2002, a plan for expanding the availability and use of flexible spending account plans under which employees may set aside pretax earnings to cover their out-of-pocket medical costs. The authority is authorized to proceed with implementation of such a plan to the extent it can be accomplished within existing state funding levels.

~~((10)) \$685,000 of the health services account appropriation, \$629,000 of the general fund federal appropriation, and the medical aid account appropriation are provided solely for implementation of Substitute Senate Bill No. 6368 (prescription drug utilization and education). If the bill is not enacted by June 30, 2002, these amounts shall lapse.~~

(9) As of the effective date of this 2003 act, the health care authority shall admit new members to the basic health plan only to the extent authorized under the authority's September 6, 2001, administrative policy on basic health enrollment management.

**Sec. 213.** 2002 c 371 s 213 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2002) \$2,688,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$2,619,000)</del> )	
	<u>\$2,483,000</u>
General Fund--Federal Appropriation ( <del>(\$1,544,000)</del> )	
	<u>\$1,794,000</u>
General Fund--Private/Local Appropriation \$100,000	
TOTAL APPROPRIATION ( <del>(\$6,951,000)</del> )	<u>\$7,065,000</u>

**Sec. 214.** 2002 c 371 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2002) \$5,577,000	
General Fund--State Appropriation (FY 2003) \$5,517,000	
General Fund--Federal Appropriation \$1,250,000	
Public Safety and Education Account--State Appropriation \$18,292,000	
Public Safety and Education Account--Federal Appropriation \$6,950,000	
Public Safety and Education Account--Private/Local Appropriation ( <del>(\$5,373,000)</del> )	
	<u>\$4,200,000</u>
Asbestos Account--State Appropriation \$688,000	
Electrical License Account--State Appropriation \$28,412,000	
Farm Labor Revolving Account--Private/Local Appropriation \$28,000	
Worker and Community Right-to-Know Account--State Appropriation \$2,281,000	
Public Works Administration Account--State Appropriation \$2,856,000	
Accident Account--State Appropriation \$184,219,000	
Accident Account--Federal Appropriation \$11,568,000	
Medical Aid Account--State Appropriation ( <del>(\$183,666,000)</del> )	
	<u>\$178,666,000</u>
Medical Aid Account--Federal Appropriation \$2,438,000	
Plumbing Certificate Account--State Appropriation \$1,111,000	
Pressure Systems Safety Account--State Appropriation \$2,525,000	
TOTAL APPROPRIATION ( <del>(\$462,751,000)</del> )	<u>\$456,578,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.



(3) \$300,000 of the medical aid account--state appropriation is provided for a second center of occupational health and education to be located on the east side of the state. These centers train physicians on best practices for occupational medicine and work with labor and business to improve the quality and outcomes of medical care provided to injured workers.

**Sec. 215.** 2002 c 371 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2002) \$1,577,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$1,533,000)</del> )	<u>\$1,546,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$7,000	
TOTAL APPROPRIATION ( <del>(\$3,117,000)</del> )	<u>\$3,130,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2002) \$2,619,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$2,580,000)</del> )	<u>\$2,603,000</u>
General Fund--Federal Appropriation \$310,000	
General Fund--Private/Local Appropriation \$1,663,000	
TOTAL APPROPRIATION ( <del>(\$7,172,000)</del> )	<u>\$7,195,000</u>

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$5,765,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$5,516,000)</del> )	<u>\$6,034,000</u>
General Fund--Federal Appropriation ( <del>(\$27,437,000)</del> )	<u>\$27,411,000</u>
General Fund--Private/Local Appropriation ( <del>(\$22,828,000)</del> )	<u>\$22,526,000</u>
TOTAL APPROPRIATION ( <del>(\$61,546,000)</del> )	<u>\$61,736,000</u>

The appropriations in this subsection are subject to the following terms and conditions:

(1) \$2,886,000 of the general fund--federal appropriation and \$5,639,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

(2) After July 1, 2003, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose, nor may the department transfer appropriations into the headquarters program.

**Sec. 216.** 2002 c 371 s 219 (uncodified) is amended to read as follows:

**FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2003) ( <del>(\$152,000)</del> )	<u>\$171,000</u>
--	------------------

The appropriation in this section is subject to the following conditions and limitations: The general fund--state appropriation for fiscal year 2003 is provided for start-up costs of the home care quality authority, a new state agency established by the enactment of Initiative Measure No. 775.

**Sec. 217.** 2002 c 371 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2002) \$57,337,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$54,940,000)</del> )	<u>\$54,845,000</u>
Health Services Account--State Appropriation ( <del>(\$33,520,000)</del> )	<u>\$28,460,000</u>
General Fund--Federal Appropriation \$297,352,000	
General Fund--Private/Local Appropriation ( <del>(\$82,912,000)</del> )	

	<u>\$84,212,000</u>
Hospital Commission Account--State Appropriation \$2,305,000	
Health Professions Account--State Appropriation \$39,374,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$14,858,000	
Safe Drinking Water Account--State Appropriation \$2,689,000	
Drinking Water Assistance Account--Federal Appropriation \$13,376,000	
Waterworks Operator Certification--State Appropriation ( <del>(\$622,000)</del> )	
	<u>\$743,000</u>
Salmon Recovery Account--State Appropriation \$182,000	
Water Quality Account--State Appropriation \$3,304,000	
Accident Account--State Appropriation \$257,000	
Medical Aid Account--State Appropriation \$45,000	
State Toxics Control Account--State Appropriation \$2,809,000	
Medical Test Site Licensure Account--State Appropriation \$1,801,000	
Youth Tobacco Prevention Account--State Appropriation \$1,797,000	
Tobacco Prevention and Control Account--State Appropriation \$43,737,000	
TOTAL APPROPRIATION ( <del>(\$653,217,000)</del> )	
	<u>\$649,483,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, home health and home care, transient accommodations licensing, adult residential rehabilitation facilities licensing, state institution licensing, medical test site licensing, alcoholism treatment facilities licensing, certificate of need, and food handlers programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002, \$157,000 of the general fund--state appropriation for fiscal year 2003, and the salmon recovery account appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) (~~(\$19,778,000)~~) \$14,718,000 of the health services account-- state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

(8) \$533,000 of the general fund--state appropriation for fiscal year 2002 and \$847,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

(9) By October 1, 2002, the department shall establish mechanisms to assure that the HIV early intervention services program operates within appropriated levels. This shall include a system under which the state's contribution to the cost of care is adjusted on a sliding- scale basis.

(10) By December 1, 2002, the department shall report to appropriate committees of the legislature with a feasibility analysis of implementing an electronic filing system for death certificates. The study shall be conducted in consultation and cooperation with local and state registrars, funeral directors, and physicians, and shall include an analysis of applying an additional fee to death certificates to cover the cost of developing and operating the electronic system.

**Sec. 218.** 2002 c 371 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.** The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ((2002)) 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2002)) 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000	
General Fund--State Appropriation (FY 2003) (( <del>\$36,434,000</del> ))	
	<u>\$36,239,000</u>
Public Safety and Education Account--State Appropriation \$1,576,000	
Violence Reduction and Drug Enforcement Account Appropriation \$3,254,000	
TOTAL APPROPRIATION (( <del>\$78,050,000</del> ))	
	<u>\$77,855,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund-- state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000	
General Fund--State Appropriation (FY 2003) (( <del>\$412,788,000</del> ))	
	<u>\$433,915,000</u>
General Fund--Federal Appropriation (( <del>\$9,142,000</del> ))	
	<u>\$9,936,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$1,596,000	
Public Health Services Account Appropriation \$1,453,000	
TOTAL APPROPRIATION (( <del>\$829,369,000</del> ))	
	<u>\$851,290,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.
- (b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.
- (c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account ((as of January 1, 2000)).

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

((+)) (i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

### (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000

General Fund--State Appropriation (FY 2003) (~~(\$75,720,000)~~)

\$77,436,000

General Fund--Federal Appropriation \$870,000

Public Safety and Education Account--State Appropriation \$15,493,000

TOTAL APPROPRIATION (~~(\$160,180,000)~~)

\$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000

General Fund--State Appropriation (FY 2003) \$629,000

TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$18,568,000  
General Fund--State Appropriation (FY 2003) \$18,569,000  
TOTAL APPROPRIATION \$37,137,000

**Sec. 219.** 2002 c 371 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2002) \$1,652,000  
General Fund--State Appropriation (FY 2003) (~~(\$1,588,000)~~) \$1,582,000  
General Fund--Federal Appropriation (~~(\$12,643,000)~~) \$13,186,000  
General Fund--Private/Local Appropriation \$80,000  
TOTAL APPROPRIATION (~~(\$15,963,000)~~) \$16,500,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

**Sec. 220.** 2002 c 371 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation \$180,628,000  
General Fund--Private/Local Appropriation \$30,119,000  
Unemployment Compensation Administration Account--Federal Appropriation (~~(\$194,167,000)~~) \$194,011,000  
Administrative Contingency Account--State Appropriation (~~(\$15,514,000)~~) \$13,914,000  
Employment Service Administrative Account--State Appropriation (~~(\$20,001,000)~~) \$20,851,000  
TOTAL APPROPRIATION (~~(\$440,429,000)~~) \$439,523,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the unemployment compensation administration account is provided solely for the implementation of Substitute House Bill No. 2355 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(2) (~~Up to \$1,600,000~~) \$850,000 of the (~~administrative contingency account~~) employment service administrative account--state appropriation is provided solely for administrative costs related to the implementation of Engrossed House Bill No. 2901 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2002 c 371 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2002) \$39,404,000  
General Fund--State Appropriation (FY 2003) (~~(\$34,283,000)~~) \$34,225,000  
General Fund--Federal Appropriation \$56,805,000  
General Fund--Private/Local Appropriation \$4,351,000  
Special Grass Seed Burning Research Account--State Appropriation \$14,000  
Reclamation Revolving Account--State Appropriation \$1,935,000  
Flood Control Assistance Account--State Appropriation \$4,098,000  
State Emergency Water Projects Revolving Account--State Appropriation \$878,000  
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$14,287,000  
State Drought Preparedness Account--State Appropriation \$2,575,000  
Salmon Recovery Account--State Appropriation \$250,000  
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$587,000  
Water Quality Account--State Appropriation (~~(\$22,985,000)~~)

	<u>\$22,976,000</u>
Wood Stove Education and Enforcement Account--State Appropriation \$353,000	
Worker and Community Right-to-Know Account--State Appropriation \$3,288,000	
State Toxics Control Account--State Appropriation \$70,001,000	
State Toxics Control Account--Private/Local Appropriation \$350,000	
Local Toxics Control Account--State Appropriation \$4,751,000	
Water Quality Permit Account--State Appropriation \$24,210,000	
Underground Storage Tank Account--State Appropriation \$2,682,000	
Environmental Excellence Account--State Appropriation \$504,000	
Biosolids Permit Account--State Appropriation \$764,000	
Hazardous Waste Assistance Account--State Appropriation \$4,308,000	
Air Pollution Control Account--State Appropriation \$1,366,000	
Oil Spill Prevention Account--State Appropriation \$7,921,000	
Air Operating Permit Account--State Appropriation \$3,608,000	
Freshwater Aquatic Weeds Account--State Appropriation \$1,898,000	
Oil Spill Response Account--State Appropriation \$7,078,000	
Metals Mining Account--State Appropriation \$5,000	
Water Pollution Control Revolving Account--State Appropriation ( <del>(\$536,000)</del> )	<u>\$564,000</u>
Water Pollution Control Revolving Account--Federal Appropriation \$2,802,000	
TOTAL APPROPRIATION ( <del>(\$318,877,000)</del> )	<u>\$318,838,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$3,874,000)~~) \$2,684,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund-- federal appropriation, \$2,070,000 of the oil spill prevention account-- state appropriation, \$1,190,000 of the state toxics control account, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) \$814,000 of the state drought preparedness account--state appropriation, \$549,000 of the water quality account--state appropriation, and \$250,000 of the salmon recovery account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7)(a) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy.

(b) In developing its persistent bioaccumulative toxic chemical strategy, the department must:

(i) First develop a planned strategy for the reduction of mercury from the environment. This strategy will be known as the mercury chemical action plan. The development of the mercury chemical action plan will be a model for developing all future chemical action plans;

(ii) Develop a mercury chemical action plan that includes, but is not limited to: (A) Identifying current mercury uses in Washington; (B) analyzing current state and federal laws, regulations, rules, and voluntary

measures that can be used to reduce or eliminate mercury; (C) identifying mercury reduction and elimination options; and (D) implementing actions to reduce or eliminate mercury uses and releases;

(iii) Involve an advisory committee of up to twelve members composed of adequate and balanced representation of local government, business, agriculture, and environmental, public health, and community groups in the development of the mercury chemical action plan. In addition, the department must invite and strongly encourage any interested tribes or federal agencies to participate in the advisory committee process. The advisory committee must be involved in the development of the mercury chemical action plan. All information that will serve as the basis for any decisions in the mercury chemical action plan's development must be available to the advisory committee members. The advisory committee has sixty days to provide input to the department on the elements of the mercury chemical action plan. The comments and suggestions made by the advisory committee must be considered by the department; however, consensus of the advisory committee is not necessary for the department to move forward in the development of the mercury chemical action plan. All meetings of the advisory committee are subject to the provisions of chapter 42.30 RCW. The advisory committee for the mercury chemical action plan must be established by April 15, 2002;

(iv) By August 31, 2002, develop and issue a draft mercury chemical action plan in consultation with the advisory committee. Following the release of the draft plan, the department must allow for a sixty-day public comment period. The advisory committee, following the comment period, shall consider the public comments received; and

(v) The department shall finalize the mercury chemical action plan by December 31, 2002. The final mercury chemical action plan, developed after considering the public comments and the input of the advisory committee, must outline actions for the department to take, including, but not limited to, the development of any rules and recommending any legislation. Implementation must begin no later than February 1, 2003.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) \$9,000,000 of the water quality account--state appropriation is provided solely for grants to local governments to conduct watershed planning and technical assistance. At least \$7,000,000 shall be distributed as grants and shall include \$200,000 for facilitation of the central Puget Sound regional initiative.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) \$1,200,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

(15) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

(16) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(17) \$1,352,000 of the general fund--state appropriation for fiscal year 2002, \$700,000 of the general fund--state appropriation for fiscal year 2003, \$700,000 of the water quality account appropriation, and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation and the water quality account appropriation are provided solely for the department of ecology to provide for charter safety tug services, including the placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002 and fiscal year 2003. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

(18) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(19) \$200,000 of the water quality account appropriation is provided solely for activities associated with development of the Willapa River total maximum daily load (TMDL). The activities shall include but are not limited to: (a) A contract with Pacific county to complete the oxygen/bacteria and temperature model for the TMDL, conduct a technical analysis of local options for waste load allocations, and develop the first draft of the waste load allocation plan; and (b) a contract for facilitation services for a public process for the TMDL, assist in reaching consensus between parties involved in the technical work, help ensure that there is an accurate public record, and provide a forum for the waste load allocation.

(20) \$175,000 of the biosolids permit account is provided solely to develop a statewide septage strategy. The department shall work with affected stakeholders to address septage permit requirements, changes to existing rules, clarification of state and local responsibilities, and fee structure changes that are necessary to support the program in future biennia. The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2003.

(21) \$189,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for facilitation services and the following activities:

(a)(i) A joint task force is created to study judicial and administrative alternatives for resolving water disputes. The task force shall be organized and led by the office of the attorney general. In addition to the office of the attorney general, members of the task force shall include:

(A) Representatives of the legislature, including one member from each caucus appointed by the president of the senate and the speaker of the house of representatives;

(B) Representatives of the superior courts appointed by the president of the superior court judges association, and shall include two judicial officers of the superior court from eastern Washington and two judicial officers of the superior court from western Washington;

(C) A representative of the state court of appeals appointed by the chief justice of the state supreme court;

(D) A representative of the environmental hearings office; and

(E) A representative of the department of ecology.

(ii) The objectives of the task force are to:

(A) Examine and characterize the types of water disputes to be resolved;

(B) Examine the approach of other states to water dispute resolution;

(C) Recommend one or more methods to resolve water disputes, including, but not limited to, an administrative resolution process; a judicial resolution process such as water court; or any combination thereof; and

(D) Recommend an implementation plan that will address:

(I) A specific administrative structure for each method used to resolve water disputes;

(II) The cost to implement the plan; and

(III) The changes to statutes and administrative rules necessary to implement the plan.

(iii) The office of the attorney general shall work with the staff of the standing committees of the legislature with jurisdiction over water resources to research and compile information relevant to the mission of the task force by December 31, 2002.

(iv) The task force shall submit its report to the appropriate committees of the legislature no later than December 30, 2003.



(b) The department of ecology and the attorney general's office shall conduct a study to identify possible ways to streamline the water right general adjudication procedures. By December 1, 2002, the agencies will report on their findings and recommendations to the legislature.

(c)(i) The legislature finds that it is in the public interest to investigate the feasibility of conducting negotiations with other states and Canada regarding use of water bodies they share with the state of Washington.

(ii) The governor, or the governor's designee, shall consult with the states that share water bodies with the state of Washington, with Canada, and with other states that have conducted similar negotiations, regarding issues and strategies in those negotiations and shall report to the standing committees of the legislature having jurisdiction over water resources by January 1, 2003.

(iii) In conducting the consultations under this subsection (c), the governor shall give priority consideration to the interstate issues affecting the Spokane-Rathdrum Prairie aquifer including those issues affecting a safe and adequate supply of public drinking water, as provided by municipal governments.

(d) By October 1, 2002, the department of ecology shall provide to the appropriate standing committees of the legislature, a plan, schedule, and budget for improving the administration of water right records held by the department of ecology. The department of ecology shall work with the department of revenue and with county auditors in developing recommendations for improving the administration of water rights ownership information and integrating this information with real property ownership records. The department of ecology shall evaluate the need for grants to counties to assist with recording and information management needs related to water rights ownership and title.

(22) For applicants that meet eligibility requirements, the department of ecology shall consider individual stormdrain treatment systems to be classified as "activity" projects and eligible for grant funding provided under section 319 the federal Clean Water Act. These projects shall be prioritized for funding along with other grant proposals. Receipt of funding shall be based on this prioritization.

**Sec. 302.** 2002 c 371 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2002) \$32,198,000

General Fund--State Appropriation (FY 2003) (~~(\$30,340,000)~~)

\$30,332,000

General Fund--Federal Appropriation \$2,690,000

General Fund--Private/Local Appropriation \$60,000

Winter Recreation Program Account--State Appropriation \$1,087,000

Off Road Vehicle Account--State Appropriation \$274,000

Snowmobile Account--State Appropriation \$4,682,000

Aquatic Lands Enhancement Account--State Appropriation \$337,000

Public Safety and Education Account--State Appropriation \$47,000

Salmon Recovery Account--State Appropriation \$200,000

Water Trail Program Account--State Appropriation \$24,000

Parks Renewal and Stewardship Account--State Appropriation (~~(\$27,193,000)~~)

\$27,733,000

TOTAL APPROPRIATION (~~(\$99,132,000)~~)

\$99,664,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2001-03 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(4) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

(5) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(6) The task force on the funding of state parks and outdoor recreation is hereby created, to consider and develop legislation on the operation and funding of the state parks and outdoor recreation programs of the state. The committee shall be composed of fifteen members, four members of the senate appointed by the president of the senate and to include two members from each caucus, four members of the house of representatives appointed by the speaker of the house of representatives and to include two members from each caucus, three members appointed by the governor and to include at least one representative of a broad coalition of users of the state's

parks and outdoor recreation programs, one member appointed by the commissioner of public lands, one member appointed by the chair of the fish and wildlife commission, and one member appointed by the chair of the state parks and recreation commission, and one member appointed by the interagency committee for outdoor recreation. The task force shall elect its own officers, shall be staffed by staff of the legislature, the executive agencies, and the office of the governor, and may appoint an advisory committee of additional persons and organizations interested in the operation and funding of state parks and outdoor recreation. The task force shall specifically review and incorporate into its work the reports prepared pursuant to budget provisos by the Washington state parks and recreation commission regarding its operating budget needs, deferred maintenance backlog, and capital facilities renovation and replacement requirements. The task force shall prepare recommendations for improving the operation of state parks and outdoor recreation programs and for securing adequate funding on a permanent basis for supporting the needs of the state parks and outdoor recreation programs of the state, including a legislative proposal for the implementation of an evergreen recreation pass that would combine the various permits and licenses of the participating agencies into a single pass for recreational day use. The recommendations shall be developed no later than January 1, 2003, and shall be designed for enactment by the legislature during 2003 for implementation in the 2005-07 biennium. The task force shall cease to exist on June 30, 2003.

**Sec. 303.** 2002 c 371 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2002)	\$46,375,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$44,334,000)</del> )		\$44,328,000
General Fund--Federal Appropriation ( <del>(\$37,716,000)</del> )		\$46,242,000
General Fund--Private/Local Appropriation ( <del>(\$24,365,000)</del> )		\$29,039,000
Off Road Vehicle Account--State Appropriation	\$475,000	
Aquatic Lands Enhancement Account--State Appropriation ( <del>(\$5,133,000)</del> )		\$5,366,000
Public Safety and Education Account--State Appropriation	\$574,000	
Recreational Fisheries Enhancement Account--State Appropriation	\$3,354,000	
Salmon Recovery Account--State Appropriation	\$1,612,000	
Warm Water Game Fish Account--State Appropriation	\$2,567,000	
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$750,000	
Wildlife Account--State Appropriation ( <del>(\$50,680,000)</del> )		\$50,897,000
Wildlife Account--Federal Appropriation ( <del>(\$38,182,000)</del> )		\$29,656,000
Wildlife Account--Private/Local Appropriation ( <del>(\$15,133,000)</del> )		\$10,459,000
Game Special Wildlife Account--State Appropriation	\$1,941,000	
Game Special Wildlife Account--Federal Appropriation	\$9,591,000	
Game Special Wildlife Account--Private/Local Appropriation	\$350,000	
Environmental Excellence Account--State Appropriation	\$15,000	
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$1,750,000	
Oil Spill Administration Account--State Appropriation	\$963,000	
Oyster Reserve Land Account--State Appropriation	\$135,000	
TOTAL APPROPRIATION ( <del>(\$285,995,000)</del> )		\$286,439,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and \$1,189,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.
- (2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.
- (4) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

(5) \$250,000 of the salmon recovery account appropriation is provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

(6) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund three cooperative compliance programs, both in Western and Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

(8) \$1,300,000 of the salmon recovery account appropriation, \$400,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(9) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the department to execute an interagency agreement with the joint legislative audit and review committee to complete an independent organizational and operational review of the fish management division of the fish program. This review shall include:

(a) Identifying those actual functions carried out by the fish management division, including all expenditures by fund source linked to those functions, and the agency's rationale for its current staffing and expenditure levels;

(b) Distinguishing those specific division activities and expenditures that are mandated by court decisions, federal laws or treaties, federal contracts, state laws, and fish and wildlife commission directives, as apart from department discretionary policies;

(c) Reviewing the extent to which division activities and related program expenditures contribute to meeting legislative intent, agency goals, and programmatic objectives; and

(d) Evaluating how performance in meeting intent, goals, and objectives through program activities is measured, reported, and improved.

The committee shall provide a status report on this review to the appropriate legislative policy and fiscal committees by November 1, 2002, and a final report by December 1, 2003.

(11) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

(12) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

(13) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

(14) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

(15) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

(16) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

(17) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(18) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species

issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(19) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

(20) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

(21) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(22) The fish and wildlife commission shall evaluate the adequacy, structure, and amount of fees for hunting and fishing licenses and make recommendations for revision of the fee structure and schedule as appropriate. The evaluation shall consider, but is not limited to: Assessment of the fish and wildlife resource management needs, fees in adjacent states and countries, and efficiencies made possible through automation. The commission shall report to the legislature and the office of financial management by November 1, 2002.

(23) The department shall establish a hydraulic project approval program technical review task force. The task force shall be composed of a balanced representation of both hydraulic project proponents and conservation interests. The task force shall conduct a thorough evaluation of the hydraulic project approval program and make recommendations to the legislature by November 30, 2002, based upon its evaluation. The task force recommendations shall include a potential fee structure and schedule for hydraulic project approval permits.

**Sec. 304.** 2002 c 371 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2002) \$35,949,000

General Fund--State Appropriation (FY 2003) (~~(\$30,465,000)~~)

\$48,332,000

General Fund--Federal Appropriation (~~(\$10,936,000)~~)

\$20,267,000

General Fund--Private/Local Appropriation \$2,265,000

Forest Development Account--State Appropriation \$50,088,000

Off Road Vehicle Account--State Appropriation \$3,684,000

Surveys and Maps Account--State Appropriation \$2,689,000

Aquatic Lands Enhancement Account--State Appropriation \$3,923,000

Resources Management Cost Account--State Appropriation \$79,156,000

Surface Mining Reclamation Account--State Appropriation \$2,416,000

Salmon Recovery Account--State Appropriation \$625,000

Water Quality Account--State Appropriation (~~(\$2,900,000)~~)

\$2,898,000

Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,056,000

Natural Resource Conservation Areas Stewardship Account Appropriation \$209,000

State Toxics Account--State Appropriation \$1,865,000

Air Pollution Control Account--State Appropriation \$629,000

Metals Mining Account--State Appropriation \$64,000

Agricultural College Trust Management Account Appropriation \$1,790,000

Derelict Vessel Removal Account--State Appropriation (~~(\$89,000)~~)

\$289,000

TOTAL APPROPRIATION (~~(\$230,798,000)~~)

\$258,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be

used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) \$354,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 shall be transferred to the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(6) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(7) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(8) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, 2003. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

(9) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

(10) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

(11) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and ~~(\$4,153,859)~~ \$22,049,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

(12) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$550,000 of the aquatic lands enhancement account--state appropriation, and \$209,000 of the natural resources conservation areas stewardship account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(14) \$187,000 of the general fund--state appropriation for fiscal year 2002 and \$188,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the department for maintenance and stewardship of public lands.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

(16) Fees approved by the board of natural resources for filing and recording surveys are authorized to exceed the fiscal growth factor under RCW 43.135.055 for 2002.

(17) The entire state toxics control account appropriation is provided solely for the department to meet its settlement obligation with the U.S. Environmental Protection Agency for the clean-up of the Thea Foss Waterway.

~~((19))~~ (18) \$250,000 of the resource management cost account-- state appropriation and \$250,000 of the forest development account-- state appropriation are deposited in the contract harvesting revolving account-- nonappropriated to implement Substitute Senate Bill No. 6257 (contract harvesting). If Substitute Senate Bill No. 6257 is not enacted the deposit in this subsection shall not occur.

~~((20))~~ (19) Within the amounts appropriated in this section, the department shall review the current procedures used to mobilize resources to fight forest fires under the state mobilization plan and through the department of natural resources. The review must include recommendations to ensure that the people closest to a fire are called first, to allow private contractors to be mobilized under the state mobilization plan, and to identify other efficiencies. The department shall review recent studies regarding ways to improve forest fire fighting in the state. The department shall consult with representatives of private contractors, fire districts, municipal fire departments, the state fire marshal, appropriate federal agencies, and other interested groups in developing the recommendations. The department shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 2003.

~~((21))~~ (20) \$4,000,000 of the resource management cost account appropriation is provided solely for the purposes of RCW 79.64.020 and is contingent upon the establishment, management, and protection of the following marine reserves: Tidelands and bedlands adjacent to Cherry Point in Whatcom county; tidelands and bedlands surrounding Maury Island in King county; tidelands, bedlands, harbor areas, and waterways adjacent to the Puyallup River delta, within Commencement Bay in Pierce county; tidelands and bedlands surrounding Cypress Island in Skagit county; and tidelands and bedlands within Fidalgo Bay in Skagit county.

~~((22))~~ (21) Within the amounts appropriated in this section, the department shall update the Washington State University asset diversification plan to diversify at least ten percent of the commercial forest land base within ten years and report recommendations for implementing the plan to the appropriate committees of the legislature by December 1, 2002.

**Sec. 305.** 2002 c 371 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2002) \$7,815,000

General Fund--State Appropriation (FY 2003) ~~((7,434,000))~~

\$7,377,000

General Fund--Federal Appropriation \$7,441,000

General Fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State Appropriation \$2,304,000

State Toxics Control Account--State Appropriation ~~((2,917,000))~~

\$2,484,000

TOTAL APPROPRIATION ~~((29,021,000))~~

\$28,531,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$1,077,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, sample and analyze surface waters for pesticide residues, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) \$700,000 of the general fund--federal appropriation and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture).

(6) ~~((450,000))~~ \$242,000 of the state toxics control account-- state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458- 075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

**PART IV  
TRANSPORTATION**

**Sec. 401.** 2002 c 371 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2002) \$5,366,000

General Fund--State Appropriation (FY 2003) ~~((5,300,000))~~

\$5,350,000

Architects' License Account--State Appropriation ~~((684,000))~~

Cemetery Account--State Appropriation ( <del>(\$200,000)</del> )	\$687,000
Professional Engineers' Account--State Appropriation ( <del>(\$3,102,000)</del> )	<u>\$203,000</u>
Real Estate Commission--State Appropriation ( <del>(\$6,837,000)</del> )	\$3,116,000
Master License Account--State Appropriation ( <del>(\$8,278,000)</del> )	<u>\$6,868,000</u>
Uniform Commercial Code Account--State Appropriation ( <del>(\$2,900,000)</del> )	<u>\$8,306,000</u>
Real Estate Education Account--State Appropriation \$276,000	\$2,914,000
Funeral Directors and Embalmers Account--State Appropriation ( <del>(\$459,000)</del> )	<u>\$460,000</u>
Washington Real Estate Research Account Appropriation \$307,000	
Data Processing Revolving Account--State Appropriation \$23,000	
Derelict Vessel Removal Account--State Appropriation \$86,000	
TOTAL APPROPRIATION ( <del>(\$33,818,000)</del> )	<u>\$33,962,000</u>

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**Sec. 402.** 2002 c 371 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2002) \$21,567,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$7,933,000)</del> )	<u>\$8,271,000</u>
General Fund--Federal Appropriation ( <del>(\$4,178,000)</del> )	<u>\$4,818,000</u>
General Fund--Private/Local Appropriation \$369,000	
Death Investigations Account--State Appropriation \$4,024,000	
Public Safety and Education Account--State Appropriation ( <del>(\$14,769,000)</del> )	<u>\$14,748,000</u>
County Criminal Justice Assistance Account--State Appropriation \$2,870,000	
Municipal Criminal Justice Assistance Account--State Appropriation \$1,367,000	
Fire Service Trust Account--State Appropriation \$125,000	
Fire Service Training Account--State Appropriation \$6,328,000	
State Toxics Control Account--State Appropriation \$461,000	
Violence Reduction and Drug Enforcement Account--State Appropriation \$274,000	
Fingerprint Identification Account--State Appropriation ( <del>(\$5,316,000)</del> )	<u>\$6,028,000</u>
TOTAL APPROPRIATION ( <del>(\$69,581,000)</del> )	<u>\$71,250,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

(5) Within the amounts appropriated in this section, funding is provided to implement Substitute House Bill No. 2468 (offender DNA database).

(6) \$375,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional DNA testing kits.

## PART V EDUCATION

**Sec. 501.** 2002 c 371 s 501 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

### (1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2002) \$12,302,000

General Fund--State Appropriation (FY 2003) \$12,000,000

General Fund--Federal Appropriation (~~(\$53,760,000)~~)

\$15,248,000

TOTAL APPROPRIATION (~~(\$78,062,000)~~)

\$39,550,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and \$11,101,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, a maximum of \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) \$486,000 of the general fund--state appropriation for fiscal year 2002 and \$481,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and \$418,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$49,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to support the joint task force on local effort assistance created by House Bill No. 3011.

### (2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2002) \$17,280,000

General Fund--State Appropriation (FY 2003) (~~(\$9,990,000)~~)

\$9,898,000

General Fund--Federal Appropriation (~~(\$85,395,000)~~)

\$139,140,000

TOTAL APPROPRIATION (~~(\$112,665,000)~~)

\$166,318,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

#### (a) HEALTH AND SAFETY

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,542,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative



efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund-- state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$243,000 of the general fund-- state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of \$6,048,000 of the general fund--state appropriation for fiscal year 2002 is provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of \$194,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund-- federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$145,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 is provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,940,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,079,000 of the general fund-- state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,916,000 of the general fund-- state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed \$28,300. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$31,000 of the general fund-- state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 is provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 is provided for educational centers, including state support activities. \$50,000 of this amount for fiscal year 2002 is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$50,000 a fiscal year.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) (~~(\$9,900,000)~~) \$13,955,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund-- state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) \$13,942,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) (~~(\$4,962,000)~~) \$4,698,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) (~~(\$536,000)~~) \$1,763,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) (~~(\$12,318,000)~~) \$8,197,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) (~~(\$2,612,000)~~) \$2,473,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

**Sec. 502.** 2002 c 371 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2002) \$3,786,124,000

General Fund--State Appropriation (FY 2003) (~~(\$3,711,897,000)~~)

\$3,728,589,000

TOTAL APPROPRIATION (~~(\$7,498,021,000)~~)

\$7,514,713,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for the 2001-02 school year and an additional 0.8 certificated instructional staff units for the 2002-03 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year and 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio in the 2001-02 school year, and up to 1.3 of the 54.0 funding ratio in the 2002-03 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year, and a ratio equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year, may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2002-03 school year, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 10.76 percent in the 2001-02 school year and 9.57 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.73 percent in the 2001-02 school year and 12.36 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of \$8,604 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of \$21,129 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of \$16,395 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,424,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of \$485,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended for the 2001-02 fiscal year and a maximum of \$2,035,000 for the 2003 fiscal year;

(c) A maximum of \$341,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 for fiscal year 2002 and \$485,000 for fiscal year 2003 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year.

(11) For purposes of RCW 84.52.0531, the increase in appropriations per full-time equivalent student provided in this act, including appropriations for salary and benefits increases, is 2.9 percent from the 2001-02 school year to the 2002-03 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 2002 c 371 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2002) \$124,903,000

General Fund--State Appropriation (FY 2003) (~~(\$255,910,000)~~)

\$256,809,000

General Fund--Federal Appropriation (FY 2003) (~~(\$191,000)~~)

\$246,000

TOTAL APPROPRIATION (~~(\$381,004,000)~~)

\$381,958,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of (~~(\$329,316,000)~~) \$330,239,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and 3.6 percent effective on September 1, 2002, consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of 10.12 percent for school year 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and 9.23 percent for school year 2001-02 and 8.86 for school year 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2001-02	2002-03
Pupil Transportation (per weighted pupil mile)	\$0.77	\$1.54
Highly Capable (per formula student)	\$8.71	\$16.70
Transitional Bilingual Education (per eligible bilingual student)	\$22.63	\$44.74

Learning Assistance (per entitlement unit)	\$11.19	\$22.26
Substitute Teacher (allocation per teacher, section 502(7))	\$18.29	\$36.75

(2) This act appropriates general fund--state funds and other funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state- funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) (~~(\$51,688,000)~~) \$51,719,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and \$457.07 per month for the 2002-03 school year at the following rates:

	School Year	
	2001-02	2002-03
Pupil Transportation (per weighted pupil mile)	\$0.25	\$0.27
Highly Capable (per formula student)	\$1.74	\$1.81
Transitional Bilingual Education (per eligible bilingual student)	\$4.46	\$4.75
Learning Assistance (per entitlement unit)	\$3.51	\$3.73

(4) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 504.** 2002 c 371 s 505 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2002)	\$192,402,000
General Fund--State Appropriation (FY 2003) ( <del>(\$193,293,000)</del> )	<u>\$212,019,000</u>
<b>TOTAL APPROPRIATION (<del>(\$385,695,000)</del>)</b>	<u>\$404,421,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of \$752,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2002 appropriation and \$5,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$37.07 per weighted mile in the 2001-02 school year and \$37.12 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**Sec. 505.** 2001 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2002) \$3,100,000

General Fund--State Appropriation (FY 2003) \$3,100,000

General Fund--Federal Appropriation (~~(\$225,630,000)~~)

\$236,435,000

TOTAL APPROPRIATION (~~(\$231,830,000)~~)

\$242,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2002 and \$3,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the 2003 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**Sec. 506.** 2002 c 371 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002) \$420,165,000

General Fund--State Appropriation (FY 2003) (~~(\$408,761,000)~~)

\$410,263,000

General Fund--Federal Appropriation (~~(\$256,407,000)~~)

\$295,015,000

TOTAL APPROPRIATION (~~(\$1,085,333,000)~~)

\$1,125,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty- one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall make allocations to each district based on the sum of:



(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

(i) For the 2001-02 school year, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(ii) For the 2002-03 school year, each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) Safety net funding shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) A maximum of \$8,500,000 of the general fund--state appropriation and a maximum of \$3,500,000 of the general fund--federal appropriation for fiscal year 2002 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. (b) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(c) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(g) The superintendent may expend up to \$120,000 of the amounts provided in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) For fiscal year 2003 to the extent necessary, \$12,873,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (9), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 of the amount provided from the general fund--federal appropriation in this subsection (9) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(10) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(11) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) To the extent necessary, in fiscal year 2002, \$2,250,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$2,250,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(13) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent for the 2001-02 school year. For the 2002-03 school year, the superintendent shall allocate the federal funds as specified in this section and shall adjust federal flow-through funds accordingly. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(17) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(18) The superintendent of public instruction shall implement the recommendations of the joint legislative audit and review committee study on special education (report 01-11) only to the extent that funds have been specifically provided therefor.

**Sec. 507.** 2002 c 371 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002) \$3,765,000

General Fund--State Appropriation (FY 2003) (~~(\$512,000)~~)

\$513,000

~~((Public Safety and Education Account Appropriation \$6,567,000))~~

TOTAL APPROPRIATION (~~(\$10,844,000)~~)

\$4,278,000

~~((+))~~ The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

~~((b))~~ (2) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation may be expended for regional traffic safety education coordinators.

~~((c))~~ (3) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 school year.

~~((2))~~ The public safety and education account appropriation in this section is subject to the following conditions and limitations:

~~(a)~~ The public safety and education account appropriation shall lapse if House Bill No. 2573 (traffic safety education) is not enacted by June 30, 2002.

~~(b)~~ If House Bill No. 2573 is enacted by June 30, 2002, districts shall receive the following allocations:

~~(i)~~ The maximum basic state allocation per student completing the program shall be \$148.00 in the 2002-03 school year.

~~(ii)~~ Additional allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$71.00 per eligible student in the 2002-03 school year.

~~(c)~~ A maximum of \$254,000 may be expended for regional traffic safety education coordinators.

**Sec. 508.** 2002 c 371 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2002) \$140,932,000

General Fund--State Appropriation (FY 2003) (~~(\$154,931,000)~~)

\$155,788,000

TOTAL APPROPRIATION (~~(\$295,863,000)~~)

\$296,720,000

The appropriations in this section are subject to the following conditions and limitations:

Calendar year 2003 local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by 0.99 as authorized by House Bill No. 3011.

**Sec. 509.** 2002 c 371 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002) \$19,073,000

General Fund--State Appropriation (FY 2003) (~~(\$18,658,000)~~)

\$17,844,000

General Fund--Federal Appropriation \$8,548,000

TOTAL APPROPRIATION (~~(\$46,279,000)~~)

\$45,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$139,000)~~) \$226,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 510.** 2002 c 371 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2002) \$6,470,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$6,229,000)</del> )	<u>\$6,246,000</u>
TOTAL APPROPRIATION ( <del>(\$12,699,000)</del> )	<u>\$12,716,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$327.22 per funded student for the 2001-02 school year and (~~(\$313.07)~~) \$313.12 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.
- (3) \$175,000 of the fiscal year 2002 appropriation and \$170,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.
- (4) \$93,000 of the fiscal year 2002 appropriation and \$90,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

**Sec. 511.** 2002 c 371 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

General Fund--Federal Appropriation ( <del>(\$201,737,000)</del> )	<u>\$199,660,000</u>
--	----------------------

**Sec. 512.** 2002 c 371 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2002) \$36,880,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$30,150,000)</del> )	<u>\$30,269,000</u>
General Fund--Federal Appropriation \$60,571,000	
TOTAL APPROPRIATION ( <del>(\$127,601,000)</del> )	<u>\$127,720,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and \$312,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.
- (2) \$12,209,000 of the general fund--state appropriation for fiscal year 2002, \$8,872,000 of the general fund--state appropriation for fiscal year 2003, and \$4,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.
- (3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and \$548,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.
- (4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and \$2,348,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.
  - (a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:
    - (i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;
    - (ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;
    - (iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of

means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and \$1,964,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and \$705,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and \$1,773,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$485,000 of the general fund-- state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and \$3,714,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) \$375,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$725,000)~~) \$844,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who have attained certification by the national board shall receive an annual bonus not to exceed \$3,500.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than four annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and \$313,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and \$372,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$126,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web- based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,746,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and \$201,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

(20) \$46,554,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(21) \$6,591,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(22) In addition to amounts provided in subsection (2) of this section, \$3,426,000 of the general fund--federal appropriation is provided for the development of state assessments as required under Title VI of the no child left behind act.

**Sec. 513.** 2002 c 371 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2002) \$42,767,000

General Fund--State Appropriation (FY 2003) (~~(\$44,734,000)~~)

\$44,142,000

General Fund--Federal Appropriation (FY 2003) (~~(\$20,280,000)~~)

\$19,755,000

TOTAL APPROPRIATION (~~(\$107,781,000)~~)

\$106,664,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) The superintendent shall distribute a maximum of \$684.36 per eligible bilingual student in the 2001-02 school year and \$674.69 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(c) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to \$700,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

(d) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(e) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).

(2) The general fund--federal appropriation in this section is provided for migrant education, English language acquisition, and language enhancement grants under Title III of the no child left behind act.

**Sec. 514.** 2002 c 371 s 515 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002) \$71,342,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$64,614,000)</del> )	<u>\$63,981,000</u>
General Fund--Federal Appropriation (FY 2003) \$130,631,000	
TOTAL APPROPRIATION ( <del>(\$266,587,000)</del> )	<u>\$265,954,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$407.39 per funded unit for the 2001- 02 school year and \$404.78 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units for the 2001-02 school year shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iii) The district's full-time equivalent enrollment in grades 10- 11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(e)(i) A school district's general fund--state funded units for the 2002-03 school year shall be the sum of the following:

(A) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(B) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(C) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(D) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(ii) In addition to amounts allocated under (a) of this subsection, the superintendent shall provide additional amounts as follows:



(A) For school districts receiving less than a 3.0 percent increase in federal Title I Part A (basic program) funds, the multiplier in (i)(A), (B), and (C) of this subsection (e) shall be .92;

(B) For school districts not eligible for additional funds under (b)(i) of this subsection, and whose effective increase in federal Title I Part A (basic program) funds is less than 3.0 percent after taking into account the change in the multiplier from .92 to .82, an additional amount to provide a 3.0 percent increase.

(f) School districts may carry over from one year to the next up to 10 percent of general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**Sec. 515.** 2002 c 371 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund--State Appropriation (FY 2002) \$19,663,000

General Fund--State Appropriation (FY 2003) (~~(\$3,541,000)~~)

\$3,532,000

TOTAL APPROPRIATION (~~(\$23,204,000)~~)

\$23,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**Sec. 516.** 2002 c 371 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State Appropriation (FY 2002) \$180,837,000

Student Achievement Fund--State Appropriation (FY 2003) (~~(\$210,312,000)~~)

\$210,376,000

TOTAL APPROPRIATION (~~(\$391,149,000)~~)

\$391,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$190.19 per FTE student for the 2001- 02 school year and (~~(\$219.84)~~) \$220.00 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

## PART VI HIGHER EDUCATION

**Sec. 601.** 2002 c 371 s 604 (uncodified) is amended to read as follows:

### **FOR UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2002) \$345,904,000

General Fund--State Appropriation (FY 2003) (~~(\$336,544,000)~~)

\$333,770,000

Death Investigations Account--State Appropriation \$258,000

University of Washington Building Account--State Appropriation \$1,103,000

Accident Account--State Appropriation \$5,881,000

Medical Aid Account--State Appropriation \$5,937,000

TOTAL APPROPRIATION (~~(\$695,627,000)~~)

\$692,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account-- state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

**Sec. 602.** 2002 c 371 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$201,362,000

General Fund--State Appropriation (FY 2003) (~~(\$195,533,000)~~)

\$193,807,000

TOTAL APPROPRIATION (~~(\$396,895,000)~~)

\$395,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

**Sec. 603.** 2002 c 371 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$45,517,000

General Fund--State Appropriation (FY 2003) (~~(\$44,174,000)~~)

\$43,724,000

TOTAL APPROPRIATION (~~(\$89,691,000)~~)

\$89,241,000

**Sec. 604.** 2002 c 371 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$44,147,000

General Fund--State Appropriation (FY 2003) (~~(\$42,149,000)~~)

\$41,425,000

TOTAL APPROPRIATION (~~(\$86,296,000)~~)

\$85,572,000

The appropriations in this section are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

**Sec. 605.** 2002 c 371 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2002) \$25,325,000

General Fund--State Appropriation (FY 2003) (~~(\$24,474,000)~~)

\$24,188,000

TOTAL APPROPRIATION (~~(\$49,799,000)~~)

\$49,513,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((2))~~ \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

~~((3))~~ (2) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

~~((4))~~ (3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

~~((5))~~ (4) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

~~((6))~~ (5) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

~~((7))~~ (6) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

~~((8))~~ (7) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost- neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

~~((9))~~ (8) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

~~((10))~~ (9) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

**Sec. 606.** 2002 c 371 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$59,732,000

General Fund--State Appropriation (FY 2003) ~~((58,418,000))~~

\$57,968,000

TOTAL APPROPRIATION ~~((118,150,000))~~

\$117,700,000

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ \$753,000 of the general fund--state appropriation for fiscal year 2002 and \$980,400 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

**Sec. 607.** 2002 c 371 s 610 (uncodified) is amended to read as follows:  
**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2002) \$2,345,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$2,288,000)</del> )	<u>\$2,259,000</u>
General Fund--Federal Appropriation \$636,000	
TOTAL APPROPRIATION ( <del>(\$5,269,000)</del> )	<u>\$5,240,000</u>

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

**Sec. 608.** 2002 c 371 s 612 (uncodified) is amended to read as follows:  
**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2002) \$1,762,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$1,633,000)</del> )	<u>\$1,629,000</u>
General Fund--Federal Appropriation \$44,987,000	
TOTAL APPROPRIATION ( <del>(\$48,382,000)</del> )	<u>\$48,378,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

**Sec. 609.** 2002 c 371 s 616 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002) \$2,899,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$3,035,000)</del> )	<u>\$2,952,000</u>
TOTAL APPROPRIATION ( <del>(\$5,934,000)</del> )	<u>\$5,851,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

**Sec. 610.** 2002 c 371 s 617 (uncodified) is amended to read as follows:  
**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002) \$1,674,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$1,489,000)</del> )	<u>\$1,447,000</u>
TOTAL APPROPRIATION ( <del>(\$3,163,000)</del> )	<u>\$3,121,000</u>

**Sec. 661.** 2002 c 371 s 619 (uncodified) is amended to read as follows:  
**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2002) \$7,395,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$7,751,000)</del> )	<u>\$7,698,000</u>
General Fund--Private/Local Appropriation \$232,000	

TOTAL APPROPRIATION ((~~\$15,378,000~~))

\$15,325,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional staffing and other student safety measures at the school. The school will hire six additional staff, increase staff communications and accessibility, and implement a training program to enhance staff members' abilities to work with at-risk youth.

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2002 c 371 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2002) \$576,097,000

General Fund--State Appropriation (FY 2003) (~~(\$622,540,000)~~)

\$582,500,000

State Building Construction Account--State Appropriation (~~(\$7,999,000)~~)

\$3,882,000

Debt-Limit General Fund Bond Retirement Account--State Appropriation \$400,000

Debt-Limit Reimbursable Bond Retire Account--State Appropriation \$2,591,000

State Taxable Building Construction Account--State Appropriation (~~(\$496,000)~~)

\$59,000

TOTAL APPROPRIATION ((~~\$1,209,723,000~~))

\$1,165,529,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year ((~~2002~~)) 2003 shall be deposited in the debt-limit general fund bond retirement account by June 30, ((~~2002~~)) 2003.

**Sec. 702.** 2002 c 371 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2002) \$24,542,000

General Fund--State Appropriation (FY 2003) \$26,706,000

Capitol Historic District Construction Account--State Appropriation (~~(\$454,000)~~)

\$136,000

Higher Education Construction Account--State Appropriation (~~(\$499,000)~~)

\$330,000

State Higher Education Construction Account--State Appropriation (~~(\$50,000)~~)

\$33,000

State Vehicle Parking Account--State Appropriation (~~(\$100,000)~~)

\$1,000

Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation (~~(\$128,043,000)~~)

\$124,199,000

TOTAL APPROPRIATION ((~~\$180,394,000~~))

\$175,947,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 703.** 2002 c 371 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2002) \$567,000

General Fund--State Appropriation (FY 2003) \$658,000

Higher Education Construction Account--State Appropriation (~~(\$77,000)~~)

\$54,000

State Higher Education Construction Account--State Appropriation (~~(\$42,000)~~)

\$5,000

State Building Construction Account--State Appropriation ( <del>(\$1,488,000)</del> )	<u>\$667,000</u>
State Vehicle Parking Account--State Appropriation ( <del>(\$10,000)</del> )	<u>\$1,000</u>
Capitol Historic District Construction Account--State Appropriation ( <del>(\$130,000)</del> )	<u>\$22,000</u>
State Taxable Building Construction Account--State Appropriation ( <del>(\$50,000)</del> )	<u>\$51,000</u>
TOTAL APPROPRIATION ( <del>(\$3,022,000)</del> )	<u>\$2,025,000</u>

**Sec. 704.** 2002 c 371 s 712 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and fire fighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002) \$15,437,000  
 General Fund--State Appropriation (FY 2003) (~~(\$16,208,000)~~)

\$16,440,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective April 1, 2002, as provided in House Bill No. 2782.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2002) \$6,000,000  
 General Fund--State Appropriation (FY 2003) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2002) \$250,000  
 General Fund--State Appropriation (FY 2003) \$250,000  
 TOTAL APPROPRIATION (~~(\$44,145,000)~~)

\$44,377,000

**NEW SECTION. Sec. 705.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE LIABILITY ACCOUNT**

General Fund--State Appropriation (FY 2003) \$3,000,000

**NEW SECTION. Sec. 706.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE**

**CONTRACTS.** The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$6,000,000 from 2001-03 biennial general fund appropriations and \$6,000,000 from appropriations from other funds. \$5,000,000 of the general fund allotment reduction and \$5,000,000 of the other funds allotment reduction shall be placed in unallotted status and remain unexpended. \$1,000,000 of the general fund allotment reduction and \$1,000,000 of the other funds allotment reduction is hereby appropriated to the governor to be used on an emergency basis to allocate to state agencies to fund critically necessary travel, equipment, and personal service contracts that cannot be funded from an agency's existing expenditure authority. Prior to receiving an allocation, an agency must demonstrate that the reductions cannot be achieved from the items listed in this section (equipment, contracts, and travel) nor from any other items in its budget (such as personnel and goods and services).

**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**STATE EMPLOYMENT.** (1) From the effective date of this act until the conclusion of the fiscal biennium ending June 30, 2003, and consistent with the governor's Executive Directive No. 02-04, state agencies

of the executive branch shall not establish new staff positions except as specifically authorized by this supplemental appropriations act or fill vacant existing staff positions except as specifically authorized by this section.

(2) Public safety agencies may fill two-thirds of staff positions becoming vacant; all other agencies may fill two-fifths of vacant positions. In filling vacant positions pursuant to this subsection, agencies shall place the highest priority on front-line positions engaged in service delivery to the public.

(3) Exceptions to subsections (1) and (2) of this section may be granted only by the governor and only for critical or emergent situations that threaten public health or safety, as determined by the governor. The governor shall notify the legislative fiscal committees within ten days of the granting of any exception under this subsection.

(4) This section applies to all agencies of the executive branch, including all boards, commissions, and agencies headed by elected officials. This section does not apply to the institutions of higher education and state institutional programs. It is the intent of the legislature that agencies of the legislative and judicial branches of state government shall also observe the employment policies established by this section, subject to such procedures as may be adopted by the legislative and judicial branches, respectively.

**Sec. 708.** 2002 c 371 s 719 (uncodified) is amended to read as follows:

**INCENTIVE SAVINGS--FY 2003.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act and section 706 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**Sec. 709.** 2002 c 371 s 726 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of ~~((general administration))~~ financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Eythor Westman, claim number SCJ 02-01 \$7,000
- (b) Stacey Julian, claim number SCJ 02-02 \$59,136
- (c) Christopher Denney, claim number SCJ 02-03 \$11,598
- (d) Onofre Vazquez, claim number SCJ 02-04 \$200
- (e) William Voorhies, claim number SCJ 02-05 \$3,694
- (f) Glenn Rowlison, claim number SCJ 02-06 \$14,395
- (g) Frankie Doerr, claim number SCJ 02-07 \$9,100
- (h) Ralph Howard, claim number SCJ 00-09 \$99,497
- (i) Johnny Adams, claim number SCJ 01-17 \$11,916
- (j) Shane Mathus, claim number SCJ 02-08 \$13,043
- (k) Timothy Farnam, claim number SCJ 02-09 \$21,822
- (l) Rebecca Williams, claim number SCJ 02-10 \$2,241
- (m) Stewart Bailey, claim number SCJ 02-11 \$4,186
- (n) Aaron Knaack, claim number SCJ 02-13 \$4,330
- (o) Jacob Clark, claim number SCJ 02-14 \$11,613
- (p) Victor Stanculescu, claim number SCJ 03-01 \$6,696
- (q) Darin Tidball, claim number SCJ 03-02 \$4,125
- (r) Keith Dusky, claim number SCJ 03-03 \$2,065
- (s) Carmen Cornell, claim number SCJ 03-04 \$8,128
- (t) Wesley Roggenkamp, claim number SCJ 03-05 \$3,918
- (u) Philip Athanas, claim number SCJ 03-06 \$5,810



- (v) Thomas Tollifson, claim number SCJ 03-07 \$2,500
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
- (a) Ronald Palmer, claim number SCG 02-01 \$1,522
- (b) Keith Morris, claim number SCG 02-02 \$1,315
- (c) Edgar Roush, claim number SCG 02-03 \$1,459
- (d) Keith Nelson, claim number SCG 03-01 \$2,765
- (e) Alton Haymaker, claim number SCG 03-02 \$40
- (f) Circle S Landscape Supplies, SCG 03-04 \$12,944
- (3) Payment from the state general fund for death benefit claims to the estate of an employee of any state agency or higher education institution not otherwise provided a death benefit through coverage under their enrolled retirement system, pursuant to section 715, chapter 7, Laws of 2001:
- (a) Ok Chin Erdman, claim number SCO 03-08 \$150,000
- (b) Baardson Estate, claim number SCO 03-10 \$150,000
- (c) Lori Coss, claim number SCO 03-22 \$150,000
- (4) Payment from the general fund pursuant to RCW 27.44.040(1), Jan Deeds, claim number SCO 03-12 \$6,580.75

**Sec. 710.** 2002 c 371 s 727 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**  
 General Fund--State Appropriation (FY 2002) \$850,000  
 General Fund--State Appropriation (FY 2003) (~~(\$8,010,000)~~)

	<u>\$9,010,000</u>
TOTAL APPROPRIATION ( <del>(\$8,860,000)</del> )	<u>\$9,860,000</u>

- The appropriations in this section are subject to the following conditions and limitations:
- (1) The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.
- (2) Up to \$5,298,000 of the fiscal year 2003 appropriation is provided for costs associated with implementing House Bill No. 2926 (transferring the state library to the office of secretary of state.)
- (3) \$1,000,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for assistance to state agencies that are unable to effectively absorb the FTE reductions reflected in this 2003 supplemental appropriations act. Allocations to state agencies from this appropriation shall be reported to the legislative fiscal committees by the office of financial management within five days of the allocation.

## PART VIII OTHER TRANSFERS AND APPROPRIATIONS

**Sec. 801.** 2002 c 371 s 802 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

- Public Facilities Construction Loan and Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 \$1,418,456
- Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31, 2001 \$2,000,000
- Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative \$6,000,000
- State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget \$9,000,000
- General Fund: For transfer to the flood control assistance account \$4,000,000
- Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$12,564,487
- Health Services Account: For transfer to the water quality account \$6,447,500

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by \$4,000,000 in fiscal year 2002 and by ~~(\$8,393,000)~~ \$17,393,000 in fiscal year 2003 to reflect this transfer (~~(\$12,393,000)~~) \$21,393,000

Public Works Assistance Account: For transfer to the drinking water assistance account \$7,700,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$256,700,000

General Fund: For transfer to the water quality account \$60,821,172

Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$150,000,000

Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$70,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$6,497,500

Gambling Revolving Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2002 and \$450,000 for fiscal year 2003 \$2,450,000

~~(Horticultural Districts Account: For transfer to the fruit and vegetable inspection account \$11,075,000)~~

~~Agricultural Local Account: For transfer to the fruit and vegetable inspection account \$605,000)~~

Nisqually Earthquake Account: For transfer to the disaster response account for fire suppression and mobilization costs \$32,802,000

Enhanced 911 Account: For transfer to the state general fund for fiscal year 2003 \$6,000,000

Clarke-McNary Fund: For transfer to the state general fund for fiscal year 2002 \$4,000,000

State Drought Preparedness Account: For transfer to the state general fund for fiscal year 2002 \$3,000,000

Financial Services Regulation Fund: For transfer to the state general fund, \$2,250,000 for fiscal year 2002 and \$357,000 for fiscal year 2003 \$2,607,000

Industrial Insurance Premium Refund Account: For transfer to the state general fund for fiscal year 2002 \$1,000,000

Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2003 \$504,000

Liquor Revolving Account: For transfer to the state general fund for fiscal year 2003 \$2,059,000

Lottery Administrative Account: For transfer to the state general fund for fiscal year 2003 \$335,000

Emergency Medical Services and Trauma Care System Trust Account: For transfer to the state general fund for fiscal year 2002 \$6,000,000

Public Service Revolving Account: For transfer to the state general fund for fiscal year 2003 \$406,000

Local Leasehold Excise Tax Account: For transfer of interest to the state general fund by June 1, 2002, for fiscal year 2002 \$1,000,000

Insurance Commissioner's Regulatory Account: For transfer to the state general fund for fiscal year 2003 \$366,000

Health Services Account: For transfer to the tobacco prevention and control account (~~(\$21,980,000)~~) \$18,920,000

From the Emergency Reserve Fund: For transfer to the state general fund:  
 On June 28, 2002 \$300,000,000  
 On June 28, 2003 \$25,000,000

Tobacco Securitization Trust Account: For transfer to the state general fund for fiscal year 2003 \$450,000,000

**PART IX  
CAPITAL EXPENDITURES**

**Sec. 901.** 2002 c 238 s 202 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT** Local/Community Projects (2002-S-005): Job Creation and Infrastructure Projects

The following projects are eligible for funding:

Projects Amount

Asia Pacific center \$50,000  
Benton county jail \$2,000,000  
Bremerton maritime park \$500,000  
Edmonds waterfront park \$300,000  
Grace Cole memorial park/Brookside creek \$400,000  
Kent station infrastructure improvements \$900,000  
Mill creek active use ball fields \$1,000,000  
Nathan Chapman trail \$300,000  
Penny creek/9th Avenue crossing \$400,000  
Port Angeles skills center/skills consortium \$3,000,000  
Puget Sound environmental learning center \$2,000,000  
Ridgefield wastewater treatment \$585,000  
Sammamish surface water treatment \$1,500,000  
Shoreline historical museum \$28,000  
Snohomish county children's museum \$300,000  
Soundview park/playground \$200,000  
Stewart heights pool project \$500,000  
Sundome seating expansion - Yakima \$1,250,000  
West central community center childcare project \$500,000  
William H. Factory small business incubator \$250,000  
((Yakima ballfields)) For the transfer of property, commonly known as Larson park field No. 4 and Dunbar field, of the city of Yakima to the Yakima Valley Community College and for the creation of new ball fields by and for the city of Yakima. \$1,250,000  
TOTAL \$17,213,000

Appropriation:

State Building Construction Account--State \$17,213,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,213,000

**Sec. 902.** 2001 2nd sp.s. c 8 s 158 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)

Appropriation:

~~((Capitol Building Construction Account--State \$1,000,000))~~  
Thurston County Capital Facilities Account--State ~~(((\$1,000,000))~~

\$2,000,000

~~((Subtotal Appropriation \$2,000,000))~~

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**Sec. 903.** 2001 2nd sp.s. c 8 s 172 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Tumwater Office Building 1 (01-S-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Planning funds are provided to lease/develop a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county

leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense.

(2) The department shall finance this project using a financing contract as authorized in section 907(2)(c), chapter 8, Laws of 2001 2nd sp. sess., with title passing to the state if all payments are made as provided in the contract. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

**Sec. 904.** 2002 c 238 s 109 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

(6) ~~(\$154,000 of the capitol historic district construction account appropriation is provided solely for the department of general administration to contract for fund raising services for the solicitation of charitable gifts, grants, or donations specifically for the purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. By June 30, 2004, the amount provided by this subsection shall be reinvested to the capitol historic district construction account from the proceeds of the gifts, grants, and donations.)~~ The state building construction account appropriation is for estimated cost increases due to the unforeseen construction obstacles and code requirements discovered in design and early construction activities.

Reappropriation:

Capitol Building Construction Account--State \$2,000,000  
Thurston County Capital Facilities Account--State \$2,500,000  
Subtotal Reappropriation \$4,500,000

Appropriation:

Capitol Historic District Construction Account--State \$81,681,000  
Thurston County Capital Facilities Account--State \$1,300,000  
State Building Construction Account--State \$6,000,000  
Subtotal Appropriation ~~(\$82,981,000)~~

\$88,981,000

Prior Biennia (Expenditures) \$1,000,000  
Future Biennia (Projected Costs) \$2,300,000  
TOTAL ~~(\$90,781,000)~~

\$96,781,000

**Sec. 905.** 2002 c 238 s 223 (uncodified) is amended to read as follows:  
**FOR WESTERN WASHINGTON UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The appropriations in this section ~~(is)~~ are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Miller hall \$1,650,000  
Steam plant \$1,000,000  
Air quality \$743,000  
Utilities \$501,000  
Viking substation \$103,000  
Storm water detention \$75,000  
Old main restoration \$582,000  
Fire safety \$435,000  
Parks hall fire damage \$1,500,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$3,000,000  
State Building Construction Account--State \$1,500,000  
Subtotal Appropriation \$4,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL ~~(\$3,000,000)~~

\$4,500,000

**Sec. 906.** 2001 2nd sp.s. c 8 s 658 (uncodified) is amended to read as follows:  
**FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Energy Plant - Heat: Renovation (02-1-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2)(a) Any agreement or contract for the modernization or replacement of the existing steam generation plant currently located on the Pullman campus must comply with chapter 39.35C RCW. Prior to entering into an agreement or contract obligating itself on this project, the university shall have the project reviewed by the appropriate staff of the energy division of the department of community, trade, and economic development and the department of general administration, and shall consider any comments and suggestions made by these departments. If the project involves a private energy development firm, the following issues shall be considered in the development and implementation of the project:

- (i) Regional and local utility needs for power;
  - (ii) Cost and certainty of fuel supplies;
  - (iii) Value of electricity produced and options for sale of surplus electricity;
  - (iv) The capability of the university to own and operate the facility should the private party terminate its involvement;
  - (v) Costs associated with interconnection with the local electric utility's transmission system;
  - (vi) Capability of the local electric utility to wheel electricity generated by the facility and the costs associated with wheeling;
  - (vii) Potential financial risks to the state or the university and measures to mitigate any risks; and
  - (viii) Benefits to the state and the university from the project including design configuration, ownership arrangement, operations, and financial arrangements for the project based on the selection of project participants.
- (b) The university shall report to the office of financial management and the energy and fiscal committees of the legislature on the development and implementation of this project, including consideration of the issues and the agency suggestions under subsection (2)(a) of this section, in December of 2001 and 2002.

Appropriation:

State Building Construction Account--State (~~(\$23,000,000)~~)

\$24,539,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL (~~(\$23,000,000)~~)

\$24,539,000

**Sec. 907.** 2001 2nd sp.s. c 8 s 668 (uncodified) is amended to read as follows:  
**FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Teaching and Learning Center: New Facility (98-2- 062)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State (~~(\$8,000,000)~~)

\$6,461,000

Prior Biennia (Expenditures) \$22,870,175  
Future Biennia (Projected Costs) \$0  
TOTAL (~~(\$30,870,175)~~)

\$29,331,175

**Sec. 908.** 2001 2nd sp.s. c 8 s 352 (uncodified) is amended to read as follows:  
**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
National Recreation Trails (NRTP) (02-4-006)

Appropriation:

Recreation Resources Account--Federal (~~(\$2,132,936)~~)

\$2,332,936

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$977,000  
TOTAL (~~(\$3,109,936)~~)

\$3,309,936

**NEW SECTION. Sec. 909. INLAND NORTHWEST REGIONAL SPORTS PROJECT.**  
2002 c 238 s 204 (uncodified) is repealed.

#### **PART X MISCELLANEOUS**

**NEW SECTION. Sec. 1001.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1002.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 2002 c 371 ss 112, 113, 114, 118, 119, 122, 125, 127, 128, 132, 133, 135, 137, 139, 143, 145, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 224, 302, 303, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 604, 605, 606, 607, 608, 609, 610, 612, 616, 617, 619, 701, 703, 704, 712, 719, 726, 727, and 802 (uncodified); amending 2002 c 238 ss 202, 109, and 223 (uncodified); amending 2001 2nd sp.s. c 8 ss 158, 172, 658, 668, and 352 (uncodified); amending 2001 2nd sp.s. c 7 s 506 (uncodified); adding new sections to 2001 2nd sp.s. c 7 (uncodified); repealing 2002 c 238 s 204 (uncodified); making appropriations; authorizing expenditures for capital expenditures; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by: Senator Rossi, Senator Zarelli, Representative Sommers, Representative Fromhold and Representative Sehlin

#### **MOTION**

Representative Sommers moved that the House adopt the report of the Conference Committee on Substitute Senate Bill No. 5403 and advance the bill to final passage.

Representatives Sommers and Sehlin spoke in favor of the motion to adopt the report of the Conference Committee and advance the bill to final passage.

The motion to adopt the Conference Committee Report on Substitute Senate Bill No. 5403 was adopted and the bill was placed on final passage.

#### **FINAL PASSAGE**

Representatives Sommers and Sehlin spoke in favor of the passage of the bill.

#### **MOTIONS**

On motion of Representative Clements, Representative Talcott was excused. On motion of Representative Santos, Representative Upthegrove was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5403 as recommended by the Conference Committee.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5403 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Simpson - 1.

Excused: Representatives Talcott and Upthegrove - 2.

SUBSTITUTE SENATE BILL NO. 5403, as recommended by the Conference Committee having received the constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 1388, By Representatives Woods, Ericksen, Ahern, Schindler, Jarrett, Bush, Shabro, Anderson, Bailey, Talcott, Clements, Chandler, Mielke, Boldt, Newhouse, Schoesler, Nixon, Pearson, Pflug and McMahan**

**Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.**

The bill was read the second time.

Representative Woods moved the adoption of amendment (330):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the Washington state department of transportation should focus on its core ferry mission of moving automobiles on Washington state's marine highways. The legislature finds that current statutes impose barriers to entities other than the state operating passenger-only ferries. The legislature intends to lift those barriers to allow entities other than the state to provide passenger-only ferry service. The legislature finds that the provision of this service and the improvement in the mobility of the citizens of Washington state is legally adequate consideration for the use of state facilities in conjunction with the provision of the service, and the legislature finds that allowing the operators of passenger-only ferries to use state facilities on the basis of legally adequate consideration does not evince donative intent on the part of the legislature.

**Sec. 2.** RCW 47.60.120 and 1993 c 427 s 1 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In



making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

(5) This section does not apply to operators of passenger-only ferry service.

**Sec. 3.** RCW 47.64.090 and 1983 c 15 s 27 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) The department of transportation shall make its terminal, dock, and pier space available to private operators of passenger-only ferries if the space can be made available without limiting the operation of car ferries operated by the department. These private operators are not bound by the provisions of subsection (1) of this section. Charges for the equipment and space must be fair market value taking into account the public benefit derived from the passenger-only ferry service.

**Sec. 4.** RCW 81.84.010 and 1993 c 427 s 2 are each amended to read as follows:

(1) No commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after July 25, 1993, to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate, except that the holder of a certificate of public convenience and necessity for passenger-only ferry service in Puget Sound must initiate service within twenty months of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. ~~((However))~~ Except in the case of passenger-only service in Puget Sound, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of July 25, 1993, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under

subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

**Sec. 5.** RCW 81.84.020 and 1993 c 427 s 3 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities (~~and~~), counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until March 1, 2005, the commission shall not consider an application for passenger-only ferry service serving any county in Puget Sound, unless the public transportation benefit area authority or ferry district serving that county, by resolution, agrees to the application.

**Sec. 6.** RCW 81.84.060 and 1993 c 427 s 7 are each amended to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

(1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(2) Failure of a certificate holder for passenger-only ferry service in Puget Sound to initiate service by the conclusion of the twentieth month after the certificate has been granted;

(3) Failure of the certificate holder to file an annual report;

~~((3))~~ (4) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

~~((4))~~ (5) The violation of any provision of this chapter;

~~((5))~~ (6) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;

~~((6))~~ (7) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

~~((7))~~ (8) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or

~~((8))~~ (9) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated."

Correct the title.

Representatives Woods and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Woods and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1388.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1388 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chase and Conway - 2.

Excused: Representatives Talcott and Upthegrove - 2.

ENGROSSED HOUSE BILL NO. 1388, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1853, By Representatives Rockefeller, Woods, Haigh, Morris, Quall and Lantz**

#### **Improving passenger ferry service.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1853 was substituted for House Bill No. 1853 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1853 was read the second time.

Representative Rockefeller moved the adoption of amendment (329):

Strike everything after the enacting clause and insert the following:

#### **"PART I GENERAL**

**NEW SECTION. Sec. 101.** INTENT. The legislature finds that passenger-only ferry service is a key element to the state's transportation system and that it is in the interest of the state to ensure provision of such services. The legislature further finds that diminished state transportation resources require that regional and local authorities be authorized to develop, operate, and fund needed services.

The legislature recognizes that if the state eliminates passenger-only ferry service on one or more routes, it should provide an opportunity for locally sponsored service and the department of transportation should assist in this effort.

It is the intent of the legislature to encourage interlocal agreements to ensure passenger-only ferry service is reinstated on routes that the Washington state ferry system eliminates.

## **PART II PTBA PASSENGER-ONLY FERRY SERVICE**

**NEW SECTION. Sec. 201.** A new section is added to chapter 36.57A RCW to read as follows:  
**PTBA AUTHORIZATION FOR PASSENGER-ONLY FERRY SERVICE.** A public transportation benefit area having a boundary located on Puget Sound may provide passenger-only ferry service. For the purposes of this chapter and sections 206 and 207 of this act, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles. Before a benefit area may provide passenger-only ferry service, it must develop a passenger-only ferry investment plan including elements to operate or contract for the operation of passenger-only ferry services, purchase, lease, or rental of ferry vessels and dock facilities for the provision of transit service, and identify other activities necessary to implement the plan. The plan must set forth terminal locations to be served, projected costs of providing services, and revenues to be generated from tolls, locally collected tax revenues, and other revenue sources. The plan must ensure that services provided under the plan are for the benefit of the residents of the benefit area. The benefit area may use any of its powers to carry out this purpose, unless otherwise prohibited by law. In addition, the public transportation benefit area may enter into contracts and agreements to operate passenger-only ferry service and public-private partnerships and design-build, general contractor/construction management, or other alternative procurement process substantially consistent with chapter 39.10 RCW.

**NEW SECTION. Sec. 202.** A new section is added to chapter 36.57A RCW to read as follows:  
**TAXES, FEES, AND TOLLS.** (1) A public transportation benefit area may, as part of a passenger-only ferry investment plan, recommend some or all of the following revenue sources as provided in this chapter:

- (a) A motor vehicle excise tax, as provided in section 206 of this act;
- (b) A sales and use tax, as provided in section 207 of this act;
- (c) Tolls for passengers and packages and, where applicable, parking; and
- (d) Charges or licensing fees for advertising, leasing space for services to ferry passengers, and other revenue-generating activities.

(2) Taxes may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the area voting on a single ballot proposition to both approve a passenger-only ferry investment plan and to approve taxes to implement the plan. Revenues from these taxes and fees may be used only to implement the plan and must be used for the benefit of the residents of the benefit area. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or charges authorized in this section.

**NEW SECTION. Sec. 203.** A new section is added to chapter 47.52 RCW to read as follows:  
**CONVEYANCE OF FERRY VESSELS.** The department of transportation may enter into contracts with public transportation benefit areas meeting the requirements of section 201 of this act or county ferry districts to convey passenger-only ferry vessels and other properties associated with passenger-only ferry service that serve to provide passenger-only ferry service, as full or part consideration for the benefit area or ferry district assuming all future maintenance and operation obligations and costs required to maintain and operate the vessel and facilities. The conveyances must provide that the vessels or properties revert to the department if the vessels are not used for providing passenger-only ferry service.

**Sec. 204.** RCW 47.60.120 and 1993 c 427 s 1 are each amended to read as follows:  
**TEN-MILE RULE EXEMPTION.** (1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after

the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

(5) This section does not apply to the operation of passenger-only ferry service by public transportation benefit areas meeting the requirements of section 201 of this act or to the operation of passenger-only ferry service by ferry districts.

**Sec. 205.** RCW 47.64.090 and 1983 c 15 s 27 are each amended to read as follows:

USE OF STATE FERRY FACILITIES. (1) Except as provided in section 203 of this act and subsection (2) of this section, or as provided in section 303 of this act and subsection (3) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions, and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) If a public transportation benefit area meeting the requirements of section 201 of this act has voter approval to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase passenger-only vessels, related equipment, or terminal space for purposes of loading and unloading the passenger-only ferry. A benefit area or subcontractor of that benefit area that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to the terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable.

(3) If a ferry district is formed under section 301 of this act to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase vessels, related equipment, or terminal space for purposes of loading and unloading the ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A ferry district or subcontractor of that district that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is:

(a) Subject to the terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) Subject to a requirement, to be included by the ferry district in any contract with the district's subcontractor, to give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) Subject to a requirement, to be included by the ferry district in any contract with the district's subcontractor, that any questions concerning representation of employees for collective bargaining purposes may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.

**NEW SECTION. Sec. 206.** A new section is added to chapter 82.80 RCW to read as follows:

MOTOR VEHICLE EXCISE TAX AUTHORIZED. (1) Public transportation benefit areas authorized to implement passenger-only ferry service under section 201 of this act whose boundaries (a) are on the Puget Sound, but (b) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding four-tenths of one percent on the value of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing passenger-only ferry service. The tax must be collected only at the time of vehicle license renewal under chapter 46.16 RCW. The tax will be imposed on vehicles previously registered in another state or nation when they are initially registered in this state. The tax will not be imposed at the time of sale by a licensed vehicle dealer. In a county imposing a motor vehicle excise tax surcharge under RCW 81.100.060, the maximum tax rate under this section must be reduced to a rate equal to four-tenths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed under RCW 81.100.060. This rate does not apply to vehicles licensed under RCW 46.16.070 with an unladen weight more than six thousand pounds, or to vehicles licensed under RCW 46.16.079, 46.16.085, or 46.16.090.

(2) The department of licensing shall administer and collect the tax. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer for monthly distribution to the public transportation benefit area.

(3) The public transportation benefit area imposing this tax shall delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the department of licensing to implement administration and collection of the tax.

(4) Before an authority may impose a tax authorized under this section, the authorization for imposition of the tax must be approved by a majority of the qualified electors of the authority area voting on that issue.

**NEW SECTION. Sec. 207.** A new section is added to chapter 82.14 RCW to read as follows:

**SALES AND USE TAX AUTHORIZATION.** Public transportation benefit areas providing passenger-only ferry service as provided in section 201 of this act whose boundaries (1) are on the Puget Sound, but (2) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing passenger-only ferry service.

The tax authorized by this section is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of a taxable event within the taxing district. The maximum rate of the tax must be approved by the voters and may not exceed four-tenths of one percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

**Sec. 208.** RCW 82.14.050 and 2002 c 56 s 406 are each amended to read as follows:

**ADMINISTRATION AND COLLECTION--LOCAL SALES AND USE TAX ACCOUNT.**

The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under section 207 of this act, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts monthly.

**Sec. 209.** RCW 36.57A.010 and 1983 c 65 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative authority" means the board of county commissioners or the county council.

(7) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(8) "Public transportation service" means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus, sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service. "Public transportation service" includes passenger-only ferry service for those public transportation benefit areas eligible to provide passenger-only ferry service under section 201 of this act.

(9) "Public transportation improvement conference" or "conference" means the body established pursuant to RCW 36.57A.020 which shall be authorized to establish, subject to the provisions of RCW 36.57A.030, a public transportation benefit area pursuant to the provisions of this chapter.

**Sec. 210.** RCW 36.57A.100 and 1977 ex.s. c 44 s 4 are each amended to read as follows:

Except in accordance with an agreement made as provided in this section or in accordance with the provisions of RCW 36.57A.090(3) as now or hereafter amended, upon the effective date on which the public transportation benefit area commences to perform the public transportation service, no person or private corporation shall operate a local public passenger transportation service, including passenger-only ferry service, within the public transportation benefit area with the exception of taxis, buses owned or operated by a school district or private school, and buses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the public transportation benefit area authority and any person or corporation legally operating a local public passenger transportation service, including passenger-only ferry service, wholly within or partly within and partly without the public transportation benefit area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such local public passenger transportation service, including passenger-only ferry service, will be required to cease to operate within the public transportation benefit area, the public transportation benefit area authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the public transportation benefit area authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

Wherever a privately owned public carrier operates wholly or partly within a public transportation benefit area, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

**Sec. 211.** RCW 81.84.010 and 1993 c 427 s 2 are each amended to read as follows:

(1) No commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after July 25, 1993, to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate, except that the holder of a certificate of public convenience and necessity for passenger-only ferry service in Puget Sound must initiate service within twenty months of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. ~~((However))~~ Except in the case of passenger-only ferry service in Puget Sound, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of July 25, 1993, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

**Sec. 212.** RCW 81.84.020 and 1993 c 427 s 3 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities (~~and~~), counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until March 1, 2005, the commission shall not consider an application for passenger-only ferry service serving any county in Puget Sound, unless the public transportation benefit area authority or ferry district serving that county, by resolution, agrees to the application.

**Sec. 213.** RCW 81.84.060 and 1993 c 427 s 7 are each amended to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

(1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(2) Failure of a certificate holder for passenger-only ferry service in Puget Sound to initiate service by the conclusion of the twentieth month after the certificate has been granted;

(3) Failure of the certificate holder to file an annual report;

~~((3))~~ (4) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

~~((4))~~ (5) The violation of any provision of this chapter;

~~((5))~~ (6) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;

~~((6))~~ (7) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

~~((7))~~ (8) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or

~~((8))~~ (9) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

### **PART III COUNTY FERRY DISTRICTS**

NEW SECTION. **Sec. 301.** A new section is added to chapter 36.54 RCW to read as follows:



(1) The legislative authority of a county with a population over one million persons and having a boundary on Puget Sound may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district. A ferry district is limited to providing passenger-only ferry service.

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) For the purposes of this section, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles.

**NEW SECTION. Sec. 302.** A new section is added to chapter 36.54 RCW to read as follows:

A ferry district may construct, purchase, operate, and maintain passenger-only ferries or wharves at any unfordable stream, lake, estuary, or bay within or bordering the ferry district, or between portions of the ferry district, or between the ferry district and other ferry districts, together with all the necessary boats, grounds, roads, approaches, and landings appertaining thereto under the direction and control of the governing body of the ferry district, free or for toll as the governing body determines by resolution.

**NEW SECTION. Sec. 303.** A new section is added to chapter 36.54 RCW to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for providing passenger-only ferry services, including the purchase, lease, or rental of passenger-only ferry vessels and dock facilities, the operation and maintenance of passenger-only ferry vessels and dock facilities, and related personnel costs.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.54 RCW to read as follows:

A ferry district may impose excess levies upon the property included within the district for a one-year period to be used for operating or capital purposes whenever authorized by the electors of the district under RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

**NEW SECTION. Sec. 305.** A new section is added to chapter 36.54 RCW to read as follows:

The governing body of the ferry district shall annually prepare a budget of the requirements of each district fund.

**NEW SECTION. Sec. 306.** A new section is added to chapter 36.54 RCW to read as follows:

At the time of making general tax levies in each year, the county legislative authority of the county in which a ferry district is located shall make the required levies for district purposes against the real and personal property in the district. The tax levies must be a part of the general tax roll and be collected as a part of the general taxes against the property in the district.

**NEW SECTION. Sec. 307.** A new section is added to chapter 36.54 RCW to read as follows:

(1) The treasurer of the county in which a ferry district is located shall be treasurer of the district. The county treasurer shall receive and disburse ferry district revenues, collect taxes authorized and levied under this chapter, and credit district revenues to the proper fund.

(2) The county treasurer shall establish a ferry district fund, into which must be paid all district revenues, and the county treasurer shall also maintain such special funds as may be created by the governing body of a ferry district, into which the county treasurer shall place all money as the governing body of the district may, by resolution, direct.

(3) The county treasurer shall pay out money received for the account of the ferry district on warrants issued by the county auditor against the proper funds of the district.

(4) All district funds must be deposited with the county depositaries under the same restrictions, contracts, and security as provided for county depositaries.

(5) All interest collected on ferry district funds belongs to the district and must be deposited to its credit in the proper district funds.

**NEW SECTION. Sec. 308.** A new section is added to chapter 36.54 RCW to read as follows:

A ferry district is exempt from the provisions of Title 81 RCW and is not subject to the control of the Washington utilities and transportation commission. It is not necessary for a ferry district to apply for a certificate of public convenience and necessity.

**NEW SECTION. Sec. 309.** A new section is added to chapter 36.54 RCW to read as follows:

A ferry district formed under this chapter may be dissolved in the manner provided in chapter 53.48 RCW, relating to port districts.

**Sec. 310.** RCW 84.52.010 and 2002 c 248 s 15 and 2002 c 88 s 7 are each reenacted and amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under section 303 of this act, RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The levy imposed by a ferry district under section 303 of this act must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; ~~((b))~~ (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and ~~((c))~~ (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**Sec. 311.** RCW 84.52.043 and 1995 c 99 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; ~~(and)~~ (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; and (g) levies imposed by ferry districts under section 303 of this act.

**Sec. 312.** RCW 84.52.052 and 2002 c 248 s 16 and 2002 c 180 s 1 are each reenacted and amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, fire protection district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, and convention district, ferry district, or city transportation authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

#### PART IV MISCELLANEOUS

NEW SECTION. **Sec. 401.** CAPTIONS AND PART HEADINGS NOT LAW.  
Captions and part headings used in this act are not part of the law.

NEW SECTION. Sec. 402. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 403. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Rockefeller, Woods and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1853.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1853 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Talcott and Upthegrove - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2235 by Representative Dunshee

AN ACT Relating to spending in election campaigns; adding a new section to chapter 42.17 RCW; adding a new section to chapter 29.81 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

HB 2236 by Representatives Cairnes, Simpson, Mielke, Kagi, Carrell, Cody, Sehlin, Wood and Schindler

AN ACT Relating to the use of day-time running lights at night; and amending RCW 46.37.020.

Referred to Committee on Transportation.

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

## REPORTS OF STANDING COMMITTEES

March 27, 2003

HB 2223 Prime Sponsor, Representative Hunt: Allowing The Evergreen State College capital projects account to retain its interest income. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; McIntire; Morrell; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Voloria and Woods.

Passed to Committee on Rules for second reading.

March 27, 2003

ESB 5014 Prime Sponsor, Senator Honeyford: Authorizing a new subaccount in the public works assistance account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.155 RCW to read as follows:

(1) A subaccount is created in the public works assistance account to receive money to fund the following projects: (a) Water storage projects; and (b) water systems facilities.

(2) The projects listed in subsection (1) of this section must comply with the competitive bid requirements of RCW 43.155.060.

(3) The subaccount created in subsection (1) of this section shall receive amounts appropriated to it for purposes of distributing these moneys as grants for water storage projects and water systems facilities projects as provided in the appropriation and this section. This subaccount shall be administered by the board and shall be separate from the other programs managed by the board under this chapter.

(4) The subaccount created in this section shall be known as the water storage projects and water systems facilities subaccount of the public works assistance account.

Sec. 2. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving

fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the water storage projects and water systems facilities subaccount of the public works assistance account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; McIntire; Morrell; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

March 27, 2003

ESSB 5142 Prime Sponsor, Senate Committee On Education: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 27, 2003

ESB 5198 Prime Sponsor, Senator Parlette: Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5226 Prime Sponsor, Senate Committee On Health & Long-Term Care: Concerning optometric care and practice. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5237 Prime Sponsor, Senate Committee On Education: Regulating the catheterization of students. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.210.280 and 1994 sp.s. c 9 s 721 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve ~~((may))~~ must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290~~((, if the catheterization is provided for))~~. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

~~(2) ((This section does not require school districts to provide intermittent bladder catheterization of students.))~~ School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterizations as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available for review at any audit.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

Any employee of a public school district or private school that performs health services, such as catheterization, must have a job description that lists all of the health services that the employee may be required to perform for students."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 27, 2003

SB 5244 Prime Sponsor, Senator Hewitt: Authorizing additional powers for unclassified cities.

Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Uptegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 26, 2003

SSB 5265 Prime Sponsor, Senate Committee On Commerce & Trade: Allowing limited marketing of bottled wine at farmers markets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5274 Prime Sponsor, Senate Committee On Ways & Means: Revising funding of the archives division. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5321 Prime Sponsor, Senate Committee On Government Operations & Elections: Including public hospital districts in the definition of "local government" for the purposes of chapter 39.96 RCW. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5327 Prime Sponsor, Senate Committee On Health & Long-Term Care: Clarifying the scope of practice of a dental hygienist. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.29.050 and 1997 c 37 s 1 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

- (1) Any surgical removal of tissue of the oral cavity;
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except that a hygienist may place antimicrobials pursuant to the order of a licensed dentist and under the dentist's required supervision;
- (3) Any diagnosis for treatment or treatment planning; or
- (4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices.

**Sec. 2.** RCW 69.41.010 and 2000 c 8 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
  - (a) A practitioner; or
  - (b) The patient or research subject at the direction of the practitioner.
- (2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.
- (3) "Department" means the department of health.
- (4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
- (5) "Dispenser" means a practitioner who dispenses.
- (6) "Distribute" means to deliver other than by administering or dispensing a legend drug.
- (7) "Distributor" means a person who distributes.
- (8) "Drug" means:
  - (a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;
  - (b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
  - (c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and
  - (d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.



(9) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.

(10) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(11) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.

(12) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based setting specified in RCW 69.41.085 to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. The nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined, in consultation with the individual or the individual's representative, that such medication assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications.

(13) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(14) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, ~~((or))~~ a pharmacist under chapter 18.64 RCW, or, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(15) "Secretary" means the secretary of health or the secretary's designee."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5358 Prime Sponsor, Senate Committee On Education: Authorizing issuance of high school diplomas to veterans of the Korean conflict who were honorably discharged and left high school before graduation to serve in the Korean conflict. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 27, 2003

SB 5373 Prime Sponsor, Senator Roach: Regulating actions on the validity of ballot measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, after "enact" insert ",reject,"

On page 2, line 4, after "when the" strike "general"

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 27, 2003

ESB 5374 Prime Sponsor, Senator Roach: Administering funds received under the Help America Vote Act. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 26, 2003

SSB 5407 Prime Sponsor, Senate Committee On Commerce & Trade: Regulating motorsports vehicle dealer franchises. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

March 27, 2003

SB 5425 Prime Sponsor, Senator Winsley: Increasing the authorized total outstanding indebtedness of the higher education facilities authority. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Benson; Blake; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; McIntire; Morrell; Newhouse; O'Brien; Orcutt; Simpson; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bush and Schoesler.

Passed to Committee on Rules for second reading.

March 27, 2003

SB 5463 Prime Sponsor, Senator Roach: Authorizing a pilot project for military and overseas voters to vote over the Internet. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott; Nixon; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt.

Passed to Committee on Rules for second reading.

March 26, 2003

SSB 5505 Prime Sponsor, Senate Committee On Education: Providing course study options for public high schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter; McMahan and Santos.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5829 Prime Sponsor, Senate Committee On Health & Long-Term Care: Providing for the registration of nursing technicians. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 14, after "graduated;" insert "or"

On page 4, after line 3, insert the following:

"Sec. 7. RCW 18.79.240 and 2000 c 64 s 3 are each amended to read as follows:

(1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as (~~nursing aides~~)nursing technicians;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;

(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

(i) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;

(j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;

(k) Prohibiting the performance of routine visual screening;

(l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

(m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;

(n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the commission may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the commission as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their commission-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly

administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced registered nurse practitioners from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent: (i) Doing so is permitted by their scope of practice; (ii) it is in response to a combined request from one or more physicians licensed under chapter 18.71 or 18.57 RCW and an advanced registered nurse practitioner licensed under this chapter, proposing a joint practice arrangement under which such prescriptive authority will be exercised with appropriate collaboration between the practitioners; and (iii) it is consistent with rules adopted under this subsection. The medical quality assurance commission, the board of osteopathic medicine and surgery, and the commission are directed to jointly adopt by consensus by rule a process and criteria that implements the joint practice arrangements authorized under this subsection. This subsection (1)(s) does not apply to certified registered nurse anesthetists.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

March 27, 2003

SSB 5966 Prime Sponsor, Senate Committee On Health & Long-Term Care: Increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., April 1, 2003, the 79<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY EIGHTH DAY, MARCH 31, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**SEVENTY NINTH DAY**

---

House Chamber, Olympia, Tuesday, April 1, 2003

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

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4649, By Representatives Kristiansen, Pearson, Bailey, Sehlin, Berkey and McCoy

WHEREAS, Hi-Q is a rigorously academic extracurricular activity initiated in Pennsylvania in 1946, and in Washington State in 1976; and

WHEREAS, The Hi-Q program focuses on educational excellence, fosters enthusiasm for knowledge, and encourages learning through an enjoyable program; and

WHEREAS, The Hi-Q program requires extensive reading and preparation in more than a dozen subjects before every competition; and

WHEREAS, The Marysville-Pilchuck Hi-Q team won first place at the Everett Community College Hi-Q championship; and

WHEREAS, This great achievement by the Marysville-Pilchuck Hi-Q team reminds all Washington State students of the value of studying, learning, and setting goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington applaud the outstanding effort, hard work, and discipline put forth by the Marysville-Pilchuck Hi-Q coaches: Alison Welch and Jeff Riechel, and team members: Ian Britten, Cameron Gilmore, Danny Hayman, Jeff Peloquin, and Jacob Vawter, to take first place at the Everett Community College Hi-Q championship; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each Hi-Q coach, Hi-Q Team Members, and the Principal of Marysville-Pilchuck High School.

House Resolution No. 4649 was adopted.

**INTRODUCTION & FIRST READING**

HB 2237 by Representatives Linville, Chandler and Fromhold

AN ACT Relating to water discharge fees; and amending RCW 90.48.465.

Referred to Committee on Appropriations.

HB 2238 by Representative Quall

AN ACT Relating to eliminating the communication portion of the Washington assessment of student learning; and amending RCW 28A.655.060.

Referred to Committee on Appropriations.

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

## REPORTS OF STANDING COMMITTEES

March 28, 2003

HB 2215 Prime Sponsor, Representative Murray: Allowing car dealers to charge documentary service fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Kristiansen.

Placed on Second Reading. March 28, 2003

HB 2228 Prime Sponsor, Representative Murray: Extending commute trip reduction incentives. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Placed on Second Reading. March 28, 2003

HB 2229 Prime Sponsor, Representative Murray: Revising sales and use tax equalization payments. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Kristiansen and Nixon.

Placed on Second Reading. March 28, 2003

HB 2230 Prime Sponsor, Representative Murray: Sharing certain fees with the multimodal transportation account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson.

Placed on Second Reading. March 28, 2003

HB 2231 Prime Sponsor, Representative Murray: Authorizing transportation financing alternatives.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Kristiansen; Nixon and Shabro.

Placed on Second Reading. March 28, 2003

HB 2232 Prime Sponsor, Representative Murray: Authorizing the sale of bonds for highway improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Nixon and Shabro.

Placed on Second Reading. March 28, 2003

SB 5011 Prime Sponsor, Senator Jacobsen: Promoting wildlife viewing. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall manage wildlife programs in a manner that provides for public opportunities to view wildlife and supports wildlife viewing tourism without impairing the state's wildlife resources.

**NEW SECTION. Sec. 2.** (1) The departments of fish and wildlife and community, trade, and economic development shall host a working conference on promoting wildlife viewing tourism. The objective of the conference shall be to adopt a strategic plan and specific implementing actions to promote wildlife viewing tourism in Washington in a manner that both provides sustainable economic development in the state's rural areas and supports maintaining the state's wildlife diversity.

(2) The departments shall work with interested local governments, state agencies, visitor and convention bureaus, the hospitality industry, tourism development organizations, and tour operators and wildlife conservation organizations in preparing for and conducting the conference. The departments shall guide preparation for the conference by surveying programs and activities in other states and compiling information on current programs, infrastructure, and promotional activities regarding wildlife viewing tourism in Washington. To enhance the effectiveness of the conference and its products, the departments shall seek to frame issues and outline options for improvement through white papers and preliminary meetings with interest groups.

(3) Among the topics that the departments and interest groups should address at the conference are:

(a) Strategies to increase revenues and benefits to Washington communities with wildlife viewing resources that have identified tourism as part of their economic development strategy;

(b) Strengthening the wildlife viewing tourism elements of gateway community partnerships among state and local transportation, economic development, and parks and wildlife agencies;

(c) Providing leadership and services by state agencies to assist local communities to assess their local wildlife viewing resources and to market tourism centered upon such resources;

(d) Developing proposals to increase state funding to local communities to implement local wildlife viewing tourism plans, including assessing resources, providing infrastructure specific to wildlife viewing tourism, festival development, and marketing; and



(e) Promoting wildlife viewing tourism as an element of tourism related to the Lewis and Clark bicentennial commemoration.

(4) The departments shall schedule the conference at a time sufficient to prepare a summary of the conference proceedings and proposals for legislative funding to be submitted to the appropriate committees of the legislature no later than December 15, 2003."

Correct the title.

Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading. March 28, 2003  
SB 5049 Prime Sponsor, Senator Roach: Designating veterans' history awareness month. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading. March 31, 2003  
ESSB 5079 Prime Sponsor, Senate Committee On Education: Promoting natural science, wildlife, and environmental education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 27, 2003  
SSB 5105 Prime Sponsor, Senate Committee On Education: Ensuring the quality and availability of educational interpreters. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is currently no requirement for educational interpreters for deaf and hard of hearing students to be certified or to meet standardized qualifications or competencies.

NEW SECTION. Sec. 2. By November 30, 2004, the office of the superintendent of public instruction shall conduct a comprehensive review and analysis of the qualifications and competencies required of education interpreters who assist deaf and hearing impaired students. The office shall make recommendations to the governor, appropriate legislative committees, and the state board of education on the following options:

(1) Requiring that all educational interpreters for deaf students and hard of hearing students to meet national registry standards;

(2) Requiring the state board of education or the office of the superintendent of public instruction, as appropriate, to establish competencies for educational interpreters;

(3) Requiring the office of the superintendent of public instruction, in cooperation with institutions of higher education that have a deaf studies program, to provide a training program for educational interpreters. The training program should be accessible to all areas of Washington through a combination of interactive video conferences, online courses, and face-to-face classes; and

(4) Any other option that the office deems viable to increase and maintain the quality and availability of educational interpreters in a fiscally responsible manner."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 28, 2003

SB 5134 Prime Sponsor, Senator Carlson: Changing border county higher education opportunities.  
Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

March 28, 2003

SB 5156 Prime Sponsor, Senator Winsley: Describing the duties of the combined fund drive. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.033 and 2002 c 61 s 4 are each amended to read as follows:

The director of the department of personnel is authorized to adopt rules, after consultation with state agencies, institutions of higher education, and employee organizations, to create a Washington state combined fund drive committee and for the operation of the Washington state combined fund drive.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state combined fund drive's powers and duties include but are not limited to the following:

- (1) Raising money for charity, and reducing the disruption to government caused by multiple fund drives;
- (2) Establishing criteria by which a public or private nonprofit organization may participate in the combined fund drive;
- (3) Engaging in or encouraging fund-raising activities including the solicitation and acceptance of charitable gifts, grants, and donations from state employees, retired public employees, corporations, foundations, and other individuals for the benefit of the beneficiaries of the Washington state combined fund drive;
- (4) Requesting the appointment of employees from state agencies and institutions of higher education to lead and manage workplace charitable giving campaigns within state government;
- (5) Engaging in educational activities, including classes, exhibits, seminars, workshops, and conferences, related to the basic purpose of the combined fund drive;
- (6) Engaging in appropriate fund-raising and advertising activities for the support of the administrative duties of the Washington state combined fund drive; and
- (7) Charging an administrative fee to the beneficiaries of the Washington state combined fund drive to fund the administrative duties of the Washington state combined fund drive.

Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state combined fund drive committee may enter into contracts and partnerships with private institutions, persons, firms, or corporations for the benefit of the beneficiaries of the Washington state combined fund drive. Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law."

Correct the title.

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5168 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Authorizing reduction of interest on legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5169 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Changing provisions relating to court-ordered restitution in certain criminal cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.  
Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5204 Prime Sponsor, Senate Committee On Parks, Fish & Wildlife: Providing opportunities for wildlife viewing. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5218 Prime Sponsor, Senate Committee On Government Operations & Elections: Requiring timely mailing of ballots. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 2, line 11, after "mailed." strike all words through "candidates." on line 14.

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

ESSB 5223 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Authorizing mental health advance directives. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Appropriations.

March 31, 2003

SSB 5240 Prime Sponsor, Senate Committee On Education: Including a classified employee on the Washington professional educator standards board. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 28, 2003

ESB 5256 Prime Sponsor, Senator Roach: Revising rule-making procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

ESSB 5269 Prime Sponsor, Senate Committee On Judiciary: Creating a building mapping information system. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the extreme dangers present when the safety of our citizens requires first responders such as police and fire fighters to evacuate and secure a building. In an effort to prepare for responding to unintended disasters, criminal acts, and acts of terrorism, the legislature intends to create a statewide first responder building mapping information system that will provide all first responders with the information they need to be successful when disaster strikes. The first responder building mapping system in this act is to be developed for a limited and specific purpose and is in no way to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington Association of Sheriffs and Police Chiefs shall create and operate a statewide first responder building mapping information system.

(2) All state agencies and local governments must utilize building mapping software that complies with the building mapping software standards established under section 3 of this act for any building mapped for this purpose after the statewide first responder building mapping information system is operational. If, prior to creation of the statewide building mapping information system, a local government has utilized building mapping software standards established under section 3 of this act, the local government may continue to use its own building mapping system unless the Washington association of sheriffs and police chiefs provides funding to bring the local government's system in compliance with the standards established under section 3 of this act.

(3) All state and local government-owned buildings that are occupied by state or local government employees must be mapped when funding is provided by the Washington association of sheriffs and police chiefs, or from other sources. Nothing in this act requires any state agency or local government to map a building unless the entire cost of mapping the building is provided by the Washington association of sheriffs and police chiefs, or from other sources.

(4) Once the statewide first responder building mapping information system is operational, all state and local government buildings that are mapped must forward their building mapping information data to the Washington association of sheriffs and police chiefs. All participating privately, federally, and tribally owned buildings may voluntarily forward their mapping and emergency information data to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs may refuse any building mapping information that does not comply with the specifications described in section 3 of this act.

(5) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall electronically make the building mapping information available to all state, local, federal, and tribal law enforcement agencies, the military department of Washington state, and fire departments.

(6) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall develop building mapping software standards that must be used to participate in the statewide first responder building mapping information system.

(7) The Washington association of sheriffs and police chiefs shall pursue federal funds to:

(a) Create the statewide first responder building mapping information system; and

(b) Develop grants for the mapping of all state and local government buildings in the order determined under section 3 of this act.

(8) All tactical and intelligence information provided to the Washington association of sheriffs and police chiefs under this act is exempt from public disclosure as provided in RCW 42.17.310(1)(d).

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs in consultation with the Washington state emergency management office, the Washington association of county officials, the Washington association of cities, the information services board, the Washington state fire chiefs' association, and the Washington state patrol shall convene a committee to establish guidelines related to the statewide first responder building mapping information system. The committee shall have the following responsibilities:

(a) Develop the type of information to be included in the statewide first responder building mapping information system. The information shall include, but is not limited to: Floor plans, fire protection information, evacuation plans, utility information, known hazards, and text and digital images showing emergency personnel contact information;

(b) Develop building mapping software standards that must be utilized by all entities participating in the statewide first responder building mapping information system;

(c) Determine the order in which buildings shall be mapped when funding is received;

(d) Develop guidelines on how the information shall be made available. These guidelines shall include detailed procedures and security systems to ensure that the information is only made available to the government entity that either owns the building or is responding to an incident at the building;

(e) Recommend training guidelines regarding using the statewide first responder building mapping information system to the criminal justice training commission and the Washington state patrol fire protection bureau.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of state agencies and local governments to control and maintain access to information within their independent systems.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.28A RCW to read as follows:

Units of local government and their employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the creation and use of the statewide first responder building mapping information system, unless it is shown that an employee acted with gross negligence or bad faith."

Correct the title.

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

ESSB 5270 Prime Sponsor, Senate Committee On Judiciary: Creating a law enforcement mobilization policy board and plan. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 6, line 18, after "chapter" strike "36.28A" and insert "43.43"

Correct the title

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

March 28, 2003

SB 5273 Prime Sponsor, Senator Roach: Extending the use of veterans' scoring criteria in employment examinations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

SB 5587 Prime Sponsor, Senator Fairley: Requiring voting devices to be accessible to individuals with disabilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.33 RCW to read as follows:

(1) The secretary of state shall adopt rules and establish standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters.

(2) At each polling location, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

(3) Compliance with this provision in regard to voting technology and systems purchased prior to the effective date of this section shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

(4) Compliance with subsections (2) and (3) of this section is contingent on available funds to implement this provision.

(5) For purposes of this section, the following definitions apply:

(a) "Accessible" includes receiving, using, selecting and manipulating voter data and controls.

(b) "Nonvisual" includes synthesized speech, Braille, and other output methods.

(c) "Blind and visually impaired" excludes persons who are both deaf and blind.

(6) This section does not apply to voting by absentee ballot."

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5601 Prime Sponsor, Senate Committee On Judiciary: Limiting liability for physicians providing care at community clinics. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell; Flannigan and Kirby.

Passed to Committee on Rules for second reading.

March 27, 2003

SB 5653 Prime Sponsor, Senator Sheahan: Expanding "residency" for purposes of attending Washington public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 1, line 17, after "(2)" strike "Any" and insert "Until July 1, 2006, any"

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5748 Prime Sponsor, Senate Committee On Highways & Transportation: Implementing performance audits of transportation-related agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is essential that the legislature improve the accountability and efficiency of transportation-related agencies and measure transportation system performance against benchmarks established in chapter 5, Laws of 2002. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects and services. To accomplish this, the legislative transportation committee will oversee a system of transportation performance reviews and audits established to provide oversight and accountability of transportation agencies.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.40 RCW to read as follows:  
The definitions in this section apply throughout this chapter.

- (1) "Committee" means the legislative transportation committee.
- (2) "Legislative auditor" has the meaning contained in chapter 44.28 RCW.
- (3) "Performance audit" has the meaning contained in chapter 44.28 RCW.
- (4) "Performance review" means an evaluation of how a state agency uses its performance measures to assess the outcomes of its legislatively authorized activities.
- (5) "Program audit" has the meaning contained in chapter 44.28 RCW.
- (6) "Transportation-related agencies" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

**NEW SECTION. Sec. 3.** A new section is added to chapter 44.40 RCW to read as follows:

- (1) The legislative transportation committee shall review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, the performance reviews may also determine whether effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems, and administration of grants and loans.
- (2) In conducting these reviews, the legislative transportation committee may work with the joint legislative audit and review committee, the office of financial management, and other state agencies as needed.
- (3) The committee shall determine the occurrence and frequency of the performance reviews. In setting the schedule and the extent of performance reviews, the committee shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year.

**NEW SECTION. Sec. 4.** A new section is added to chapter 44.40 RCW to read as follows:  
The performance reviews by the committee may include, but are not limited to:

- (1) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements, and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements, and goals and objectives that lend themselves to performance and outcome measurement;
- (2) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

- (3) An assessment of how performance benchmarks are established for the purpose of assessing overall performance compared to external standards and benchmarks;
- (4) An examination of how an analysis of the measurement data is used to make planning and operational improvements;
- (5) A determination of how performance and outcome measures are used in the budget planning, development, and allotment processes and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;
- (6) A review of how performance data are reported to and used by the legislature both in policy development and resource allocation;
- (7) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;
- (8) A determination of whether targeted funding investments and established priorities of government actually produce the intended and expected services and benefits; and
- (9) Recommendations as necessary or appropriate.

**NEW SECTION. Sec. 5.** A new section is added to chapter 44.40 RCW to read as follows:

(1) After reviewing the performance or outcome measures and benchmarks of a transportation-related agency or department, or at any time it so determines, the committee shall determine if a full performance or program audit of an agency or department, or a specific program within the agency or department, is appropriate. The committee, or its executive committee, may request the joint legislative audit and review committee to conduct performance or program audits, or it may retain a private consultant to do so. The committee shall pay for all costs associated with audits requested and pursued by them.

(2) In addition to the definitions in this chapter of what a performance or program audit is comprised of, the audits sought by the committee may also assess activity areas. Audits of this nature would be designed to augment the information collected under a performance or program audit and would at a minimum, include identifying the entities and agencies involved in or connected to a specific activity, and assessing and determining the impact the activity has on each entity and agency involved.

**NEW SECTION. Sec. 6.** A new section is added to chapter 44.40 RCW to read as follows:

In conducting performance or program audits, the legislative auditor with the joint legislative audit and review committee, or the private consultant retained by the committee, shall determine in writing the scope of an audit requested by the committee or its executive committee. The committee, or its executive committee, must approve the final scope of the audit. In determining the scope, the legislative auditor and the committee, or its executive committee, shall consider inclusion of the following elements:

- (1) Identification of potential cost savings in the agency, its programs, and its services;
- (2) Identification and recognition of best practices;
- (3) Identification of funding to the agency, to programs, and to services that can be eliminated or reduced;
- (4) Identification of programs and services that can be eliminated, reduced, or transferred to the private sector;
- (5) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (6) Analysis and recommendations for pooling information technology systems;
- (7) Analysis of the roles and functions of the agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (8) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions expressly vested in the department by statute; and
- (9) Verification of the reliability and validity of department performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.40 RCW to read as follows:

(1) When conducting a full performance audit of an agency or department, or a specific program within an agency or department, or multiple agencies, in accordance with section 5 of this act, the legislative auditor or private consultant, as determined by the committee, shall solicit input from appropriate industry representatives or experts.

(2) The completed audit report must include but not be limited to the following: (a) Make recommendations regarding the continuation, abolition, consolidation, or reorganization of each affected agency, department, or program; (b) identify opportunities to develop government partnerships, and eliminate program redundancies that will result in increased quality, effectiveness, and efficiency of state agencies.

(3) Completed performance audits must be presented to the committee or its executive committee. Published performance audits must be made available to the public through the legislative transportation



committee's web site and through customary public communications. Final reports must also be transmitted to the appropriate policy and fiscal standing committees of the legislature, the office of financial management, and the affected agencies and entities.

NEW SECTION. Sec. 8. The committee shall take steps to ensure that the department of transportation is the first agency subject to the performance review and audit process established in this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Placed on Second Reading.

March 28, 2003

ESSB 5766 Prime Sponsor, Senate Committee On Government Operations & Elections: Providing businesses with notice of certain administrative rules. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

March 28, 2003

SSB 5861 Prime Sponsor, Senate Committee On Government Operations & Elections: Making it a crime to impersonate a veteran of the armed forces. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 28, 2003

SB 5898 Prime Sponsor, Senator Oke: Studying recreational boating safety. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

March 28, 2003

ESB 5938 Prime Sponsor, Senator Finkbeiner: Updating financial responsibility laws for vessels. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

March 28, 2003

SB 5989 Prime Sponsor, Senator Haugen: Representing pilots on the board of pilotage commissioners.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 28, 2003

SJM 8004 Prime Sponsor, Senator Morton: Requesting that British Columbia refrain from releasing grizzly bears near our common border. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove.

Passed to Committee on Rules for second reading.

March 28, 2003

SJM 8008 Prime Sponsor, Senator Rasmussen: Requesting that veterans receive concurrent retirement and disability payments. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for the following bills which were placed on Second Reading:

HOUSE BILL NO. 2215,  
HOUSE BILL NO. 2228,  
HOUSE BILL NO. 2229,  
HOUSE BILL NO. 2230,  
HOUSE BILL NO. 2231,  
HOUSE BILL NO. 2232,  
SUBSTITUTE SENATE BILL NO. 5748,

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

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 2097, and the bill was placed on Second Reading.

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 2209, and the bill was placed on Second Reading.

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

There being no objection, the House adjourned until 10:00 a.m., April 2, 2003, the 80<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

SEVENTY NINTH DAY, APRIL 1, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTIETH DAY**

---

House Chamber, Olympia, Wednesday, April 2, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jin Han and Tiffany Aeschliman. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church, Olympia.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4650, By Representatives Cairnes and Simpson

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Cannons, a 14-year-old select baseball team based in Kent, became the first Washington State Team to win the 14-year-old Continental Amateur Baseball Association's Ultimate World Series on July 27, 2002, in Dublin, Ohio; and

WHEREAS, The Cannons won consecutive Washington State Sandy Koufax State Championships in 2001 and 2002; and

WHEREAS, The Cannons team members were: Cody Bartlett, Alex Burg, Curtis DuPart, Philip Hackney, Jeff Jack, Kurtis Kasper, Eric Kauffman, Tyler Kawaoka, Brandon Lee, Jay Ponciano, Donny Sorensen, Andrew Stephenson, Jesse Stokke, Tyler Turner, Zach Verdel, and Tyler Waugh; and

WHEREAS, The Cannons have exemplified to their community the success that is possible when clear goals are established and when persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Cannons for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Coach and Manager Tim Bartlett and Coaches Stu Johnson and Dave Waugh be recognized for their dedication, sacrifice, and leadership; and

BE IT FURTHER RESOLVED, That the parents of the above-mentioned players be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value of the sport of baseball to young athletes in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the coaches and members of the 2002 Cannons baseball team.

House Resolution No. 4650 was adopted.

HOUSE RESOLUTION NO. 2003-4651, By Representative Wallace

WHEREAS, Cristina Romento, a resident of Vancouver and a student at Skyview High School, has achieved national recognition for exemplary volunteer service by receiving a 2003 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Romento earned this award by giving generously of her time and energy to recruiting high school students to travel to Africa to build housing for low-income families through Habitat for Humanity; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Romento who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Ms. Romento as a recipient of a Prudential Spirit of Community Award and recognize her outstanding record of volunteer service, peer leadership, and community spirit; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Romento.

House Resolution No. 4651 was adopted.

The Speaker assumed the chair.

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

### **REPORTS OF STANDING COMMITTEES**

March 28, 2003

HB 1163 Prime Sponsor, Representative Murray: Making 2003-05 transportation appropriations.

Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Armstrong; Bailey; Kristiansen; Nixon and Shabro.

Placed on second reading.

March 31, 2003

SSB 5063 Prime Sponsor, Senate Committee On Government Operations & Elections: Providing for elections for flood control zone district supervisors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 23, delete section 2.

Correct the title.

Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

March 28, 2003

SSB 5190 Prime Sponsor, Senate Committee On Highways & Transportation: Strengthening laws against fuel tax evasion. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.36 RCW to read as follows:

SEIZURE AND FORFEITURE. (1) The following are subject to seizure and forfeiture:

(a) Motor vehicle fuel imported into this state by a person not licensed in this state in accordance with this chapter to import fuel;

(b) Motor vehicle fuel that is blended or manufactured by a person not licensed in this state in accordance with this chapter to blend or manufacture fuel;

(c) All conveyances that are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) and (b) of this subsection, except where the owner of the conveyance neither had knowledge of nor consented to the transportation of the fuel by an unlicensed importer, blender, or manufacturer of fuel.

(2) Before seizing a common carrier conveyance, contract carrier conveyance, or a conveyance secured by a bona fide security interest where the secured party neither had knowledge of or consented to the unlawful act or omission, the state patrol or the department of licensing shall give the common carrier, contract carrier, or secured party, or their representatives within twenty-four hours, a notice in writing served by mail or other means to cease transporting fuel for any person not licensed to import, blend, or manufacture fuel in this state.

(3) Property subject to forfeiture under this chapter may be seized by the state patrol upon process issued by a superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The state patrol has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

NEW SECTION. Sec. 2. A new section is added to chapter 82.36 RCW to read as follows:

FORFEITURE PROCEDURE. In all cases of seizure of property made subject to forfeiture under this chapter, the state patrol shall proceed as follows:

(1) Forfeiture is deemed to have commenced by the seizure.

(2) The state patrol shall list and particularly describe in duplicate the conveyance seized. After the appropriate appeal period has expired, a seized conveyance must be sold at a public auction in accordance with chapter 43.19 RCW.

(3) The state patrol shall list and particularly describe in duplicate the fuel seized. The selling price of the fuel seized will be the average terminal rack price for similar fuel, at the closest terminal rack on the day of sale, unless circumstance warrants that a different selling price is appropriate. The method used to value the fuel must be documented. The fuel will be sold at the earliest point in time, and the total price must include all appropriate state and federal taxes. The state patrol or the department may enter into contracts for the transportation, handling, storage, and sale of fuel subject to forfeiture. The money received must be deposited in the motor vehicle account, after deduction for expenses provided for in sections 3 and 9 of this act.

(4) The state patrol shall, within five days after the seizure of a conveyance or fuel, cause notice to be served on the owner of the property seized, if known, on the person in charge of the property, and on any other person having any known right or interest in the property, of the seizure and intended forfeiture. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it must be by both certified mail with return receipt requested and regular mail. Service by mail is deemed complete upon mailing within the five-day period after the date of seizure.

(5) If no person notifies the state patrol in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the items seized are considered forfeited.

(6) If any person notifies the state patrol, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons must be given a reasonable opportunity to be heard as to the claim or right. The hearing must be before the director of licensing, or the director's designee. A hearing and any appeals must be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The state patrol and the department shall promptly return the conveyance seized, and money from the sale of fuel seized, to the claimant upon a determination that the claimant is the present lawful owner and is lawfully entitled to possession of the items seized.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.36 RCW to read as follows:

**FORFEITED PROPERTY--RETENTION, SALE, OR DESTRUCTION--USE OF SALE PROCEEDS.**

When property is forfeited under this chapter, the state patrol or the department may use the proceeds of the sale and all moneys forfeited for the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. Proper expenses of investigation include costs incurred by a law enforcement agency or a federal, state, or local agency. The balance of the proceeds must be deposited in the motor vehicle account.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.36 RCW to read as follows:

**RETURN OF SEIZED PROPERTY--PENALTY, INTEREST.** (1) The state patrol and the department

shall return property seized and proceeds from the sale of fuel under this chapter when it is shown that there was no intention to violate this chapter.

(2) When property is returned under this section, the state patrol and the department shall return the goods to the parties from whom they were seized if and when the parties pay all applicable taxes and interest.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.36 RCW to read as follows:

**SEARCH AND SEIZURE.** When the state patrol has good reason to believe that motor vehicle fuel is being unlawfully imported, kept, sold, offered for sale, blended, or manufactured in violation of this chapter or rules adopted under it, the state patrol may make an affidavit of that fact, describing the place or thing to be searched, before a judge of any court in this state, and the judge shall issue a search warrant directed to the state patrol commanding the officer diligently to search any place or vehicle designated in the affidavit and search warrant, and to seize the fuel and conveyance so possessed and to hold them until disposed of by law, and to arrest the person in possession or control of them.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.36 RCW to read as follows:

**RULES.** The department and the state patrol shall adopt rules necessary to implement sections 1 through 5 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.38 RCW to read as follows:

**SEIZURE AND FORFEITURE.** (1) The following are subject to seizure and forfeiture:

(a) Special fuel imported into this state by a person not licensed in this state in accordance with this chapter to import fuel;

(b) Special fuel that is blended or manufactured by a person not licensed in this state in accordance with this chapter to blend or manufacture fuel;

(c) All conveyances that are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) and (b) of this subsection, except where the owner of the conveyance neither had knowledge of nor consented to the transportation of the special fuel by an unlicensed importer, blender, or manufacturer of fuel.

(2) Before seizing a common carrier conveyance, contract carrier conveyance, or a conveyance secured by a bona fide security interest where the secured party neither had knowledge of or consented to the unlawful act or omission, the state patrol or the department of licensing shall give the common carrier, contract carrier, or secured party, or their representatives within twenty-four hours, a notice in writing served by mail or other means to cease transporting fuel for any person not licensed to import, blend, or manufacture fuel in this state.

(3) Property subject to forfeiture under this chapter may be seized by the state patrol upon process issued by a superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an administrative inspection;  
or

(b) The state patrol has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.38 RCW to read as follows:  
**FORFEITURE PROCEDURE.** In all cases of seizure of property made subject to forfeiture under this chapter, the state patrol shall proceed as follows:

- (1) Forfeiture is deemed to have commenced by the seizure.
- (2) The state patrol shall list and particularly describe in duplicate the conveyance seized. After the appropriate appeal period has expired, a seized conveyance must be sold at a public auction in accordance with chapter 43.19 RCW.
- (3) The state patrol shall list and particularly describe in duplicate the special fuel seized. The selling price of the fuel seized will be the average terminal rack price for similar fuel, at the closest terminal rack on the day of sale, unless circumstance warrants that a different selling price is appropriate. The method used to value the fuel must be documented. The fuel will be sold at the earliest point in time, and the total price must include all appropriate state and federal taxes. The state patrol or the department may enter into contracts for the transportation, handling, storage, and sale of fuel subject to forfeiture. The money received must be deposited in the motor vehicle account, after deduction for expenses provided for in sections 3 and 9 of this act.
- (4) The state patrol shall, within five days after the seizure of a conveyance or fuel, cause notice to be served on the owner of the property seized, if known, on the person in charge of the property, and on any other person having any known right or interest in the property, of the seizure and intended forfeiture. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it must be by both certified mail with return receipt requested and regular mail. Service by mail is deemed complete upon mailing within the five-day period after the date of seizure.
- (5) If no person notifies the state patrol in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the items seized are considered forfeited.
- (6) If any person notifies the state patrol, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons must be given a reasonable opportunity to be heard as to the claim or right. The hearing must be before the director of licensing, or the director's designee. A hearing and any appeals must be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The state patrol and the department shall promptly return the conveyance seized, and money from the sale of fuel seized, to the claimant upon a determination that the claimant is the present lawful owner and is lawfully entitled to possession of the items seized.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.38 RCW to read as follows:  
**FORFEITED PROPERTY--RETENTION, SALE, OR DESTRUCTION--USE OF SALE PROCEEDS.** When property is forfeited under this chapter, the state patrol or the department may use the proceeds of the sale and all moneys forfeited for the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. Proper expenses of investigation include costs incurred by a law enforcement agency or a federal, state, or local agency. The balance of the proceeds must be deposited in the motor vehicle fund. Property forfeited and sold under this chapter is sold "as is, where is," and the state expresses no warranty or representation of quality or fitness as to the condition of the property. The state will be held harmless with no recourse against the state from any claims arising after the date of the sale of the property.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.38 RCW to read as follows:  
**RETURN OF SEIZED PROPERTY--PENALTY, INTEREST.** (1) The state patrol and the department shall return property seized and proceeds from the sale of fuel under this chapter when it is shown that there was no intention to violate this chapter.

(2) When property is returned under this section, the state patrol and the department shall return the goods to the parties from whom they were seized if and when the parties pay all applicable taxes and interest.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.38 RCW to read as follows:  
**SEARCH AND SEIZURE.** When the state patrol has good reason to believe that special fuel is being unlawfully imported, kept, sold, offered for sale, blended, or manufactured in violation of this chapter or rules adopted under it, the state patrol may make an affidavit of that fact, describing the place or thing to be searched, before a judge of any court in this state, and the judge shall issue a search warrant directed to the state patrol commanding the officer diligently to search any place or vehicle designated in the affidavit and search warrant, and to seize the fuel and conveyance so possessed and to hold them until disposed of by law, and to arrest the person in possession or control of them.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.38 RCW to read as follows:  
**RULES.** The department and the state patrol shall adopt rules necessary to implement sections 7 through 11 of this act.

**Sec. 13.** RCW 82.36.380 and 2000 2nd sp.s. c 4 s 9 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) (~~Evasion of taxes or fees under this chapter~~) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

**Sec. 14.** RCW 82.38.270 and 2000 2nd sp.s. c 4 s 10 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) (~~Evasion of taxes or fees under this chapter is~~) (a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsections (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

**NEW SECTION. Sec. 15.** RCW 82.36.306 (Remedies for violation of RCW 82.36.305--Rules--Coloring of fuel exclusively for marine use, samples may be taken) and 1973 c 96 s 4 & 1961 c 15 s 82.36.306 are each repealed.

**NEW SECTION. Sec. 16.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.



Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

March 31, 2003

ESB 5210 Prime Sponsor, Senator Honeyford: Modifying electrician certification provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Second Reading.

March 31, 2003

SSB 5325 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Studying the economic impact of state facilities on local governments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Referred to Committee on Appropriations.

March 31, 2003

SSB 5602 Prime Sponsor, Senate Committee On Land Use & Planning: Concerning the accommodation of housing and employment growth under local comprehensive plans. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall, taken collectively, be consistent with and implement the comprehensive plan, including, but not limited to, accommodation of projected housing and employment growth as adopted in the applicable countywide planning policies and consistent with the most recent twenty-year population forecast by the office of financial management.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250."

Correct the title.

Signed by Representatives Romero, Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5690 Prime Sponsor, Senate Committee On Ways & Means: Limiting the taxability of certain internet transactions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; McMahan; Romero; Sullivan; Tom and Wallace.

Passed to Committee on Rules for second reading.

March 31, 2003

SB 5994 Prime Sponsor, Senator Hewitt: Removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1163 and SUBSTITUTE SENATE BILL NO. 5190 which were placed on the Second Reading calendar.

## **SECOND READING**

### **HOUSE BILL NO. 2097, By Representatives Murray and Rockefeller**

#### **Exercising sound business practices to enhance revenues for Washington State Ferries.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

## **MOTIONS**

On motion of Representative Santos, Representative Hatfield was excused. On motion of Representative Newhouse, Representatives Clements, Talcott and Skinner were excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2097.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2097 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller,

Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Morris - 1.

Excused: Representatives Clements, Hatfield, Skinner and Talcott - 4.

HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5748, By Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn, Spanel, Jacobsen, Swecker, Benton, Hale, Kohl-Welles, Oke, Rasmussen, Esser, Schmidt and Shin)**

**Implementing performance audits of transportation-related agencies.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Wallace, Hankins and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5748 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5748, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Clements, Hatfield, Skinner and Talcott - 4.

SUBSTITUTE SENATE BILL NO. 5748, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., April 3, 2003, the 81<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTIETH DAY, APRIL 2, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTY FIRST DAY**

---

House Chamber, Olympia, Thursday, April 3, 2003

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

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

**MESSAGES FROM THE SENATE**

April 2, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1052,  
SUBSTITUTE HOUSE BILL NO. 1069,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 2, 2003

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5403, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

**REPORTS OF STANDING COMMITTEES**

April 1, 2003

SSB 5006 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Allowing nonconsumptive wildlife activities on public lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5062 Prime Sponsor, Senate Committee On Parks, Fish & Wildlife: Creating the Puget Sound recreational fisheries enhancement oversight committee. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Referred to Committee on Appropriations.

April 1, 2003

2SSB 5074 Prime Sponsor, Senate Committee On Ways & Means: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Referred to Committee on Appropriations.

April 1, 2003

SB 5075 Prime Sponsor, Senator Morton: Authorizing the department of natural resources to accept gifts of aquatic land. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5076 Prime Sponsor, Senator Morton: Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5180 Prime Sponsor, Senator Hewitt: Renaming the legislative committee on economic development the legislative committee on economic development and international relations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5211 Prime Sponsor, Senator Kohl-Welles: Clarifying that certain entities are not collection agencies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5224 Prime Sponsor, Senator Benton: Adding a rental housing owner to the affordable housing advisory board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5251 Prime Sponsor, Senate Committee On Judiciary: Modifying foreign judgment provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby and Lovick.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5266 Prime Sponsor, Senator Oke: Concerning the commercial harvest of geoduck clams. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) There is created a legislative task force to study and make recommendations regarding geoduck management and harvest rules. The task force is composed of the following members:

- (a) Two members of the house of representatives appointed by the speaker of the house of representatives to include one member from each of the two largest political caucuses;
- (b) Two members of the senate appointed by the president of the senate to include one member from each of the two largest political caucuses;
- (c) The chair of the house of representatives' fisheries, ecology and parks committee and the chair of the house of representatives' agriculture and natural resources committee; and
- (d) The chair of the senate parks, fish, and wildlife committee and the senate natural resources, energy, and water committee.

(2) The task force must elect a chair and agree upon procedures for conducting the business of the task force. The task force may establish an advisory committee of stakeholders including but not limited to representatives from treaty Indian tribes, the aquaculture industry, geoduck divers, private shoreline property owners, the department of fish and wildlife, the department of natural resources, the department of health, the department of agriculture, local government, or other affected stakeholders. Staff support for the task force must be provided by the house of representatives' office of program research and senate committee services.

NEW SECTION. Sec. 2. By December 1, 2003, the task force established in section 1 of this act must report to the legislature with recommendations concerning the following issues:

- (1) Improvements for the coordinated management of the geoduck resource;
- (2) The costs and benefits of implementing a limited entry geoduck diver license;

- (3) Improvements for compliance and enforcement with geoduck harvest rules on state and nonstate-owned lands;
- (4) Improvements to state rules for geoduck harvesting; and
- (5) The state's potential role in aquaculture and reseeded of geoduck clams.

NEW SECTION. **Sec. 3.** This act expires January 1, 2004."

Correct the title.

Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5310 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Establishing bond requirements for title insurance agent licenses. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.29 RCW to read as follows:

(1) At the time of filing an application for a title insurance agent license, or any renewal or reinstatement of a title insurance agent license, the applicant shall provide satisfactory evidence to the commissioner of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond or fidelity insurance providing coverage in the aggregate amount of two hundred thousand dollars with a deductible no greater than ten thousand dollars covering the applicant and each corporate officer, partner, escrow officer, and employee of the applicant conducting the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under RCW 18.44.021(6); and

(b) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, or some other security approved by the commissioner, unless the fidelity bond or fidelity insurance obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the commissioner of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the commissioner. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond is not liable for any penalties imposed on the licensee, including but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" means a primary commercial blanket bond or its equivalent satisfactory to the commissioner and written by an insurer authorized to transact this line of business in the state of Washington. The bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the bond, acting alone or in collusion with others. The bond shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the title insurance agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(3) For the purposes of this section, "fidelity insurance" means employee dishonesty insurance or its equivalent satisfactory to the commissioner and written by an insurer authorized to transact this line of business in



the state of Washington. The insurance shall provide coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the policy of insurance, acting alone or in collusion with others. The insurance shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the insurance company be liable under the insurance to any other party. The insurance shall name the title insurance agent as the named insured and shall protect the named insured against the loss of money or other real or personal property belonging to the named insured, or in which the named insured has a pecuniary interest, or for which the named insured is legally liable or held by the named insured in any capacity, whether the named insured is legally liable therefore or not. The insurance coverage may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(4) The fidelity bond or fidelity insurance, and the surety bond or other form of security approved by the commissioner, shall be kept in full force and effect as a condition precedent to the title insurance agent's authority to transact business in this state, and the title insurance agent shall supply the commissioner with satisfactory evidence thereof upon request."

Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5451 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Regulating escrow agents and officers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Cooper; Hatfield; Hunter and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell and Roach.

Referred to Committee on Appropriations.

April 1, 2003

ESSB 5586 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Granting authority to address concerns with lead-based paint activities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that lead hazards associated with lead-based paint represent a significant and preventable environmental health problem. Lead-based paint is the most widespread of the various sources of lead exposure to the public. Census data show that one million five hundred sixty thousand homes in Washington state were built prior to 1978 when the sale of residential lead-based paint was banned. These are homes that are believed to contain some lead-based paint.

Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. The irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(2) The federal government regulates lead poisoning and lead hazard reduction through:

- (a)(i) The lead-based paint poisoning prevention act;
- (ii) The lead contamination control act;
- (iii) The safe drinking water act;
- (iv) The resource conservation and recovery act of 1976; and
- (v) The residential lead-based paint hazard reduction act of 1992; and
- (b) Implementing regulations of:
  - (i) The environmental protection agency;

- (ii) The department of housing and urban development;
- (iii) The occupational safety and health administration; and
- (iv) The centers for disease control and prevention.

(3) In 1992, congress passed the federal residential lead-based paint hazard reduction act, which allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the United States environmental protection agency.

(4) The legislature recognizes the state's need to protect the public from exposure to lead hazards. A qualified and properly trained work force is needed to assist in the prevention, detection, reduction, and elimination of hazards associated with lead-based paint. The purpose of training workers, supervisors, inspectors, risk assessors, and project designers engaged in lead-based paint activities is to protect building occupants, particularly children ages six years and younger from potential lead-based paint hazards and exposures both during and after lead-based paint activities. Qualified and properly trained individuals and firms will help to ensure lead-based paint activities are conducted in a way that protects the health of the citizens of Washington state and safeguards the environment. The state lead-based paint activities program requires that all lead-based paint activities be performed by certified personnel trained by an accredited program, and that all lead-based paint activities meet minimum work practice standards established by the department of community, trade, and economic development. Therefore, the lead-based paint activities accreditation, training, and certification program shall be established in accordance with this chapter. The lead-based paint activities accreditation, training, and certification program shall be administered by the department of community, trade, and economic development and shall be used as a means to assure the protection of the general public from exposure to lead hazards.

(5) For the welfare of the people of the state of Washington, this chapter establishes a lead-based paint activities program within the department of community, trade, and economic development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards.

**NEW SECTION.** **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of community, trade, and economic development.

(10) "Director" means the director of the Washington state department of community, trade, and economic development.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

**NEW SECTION. Sec. 3.** (1) The department shall administer and enforce a state program for worker training and certification, and training program accreditation, which shall include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550). The department may delegate or enter into a memorandum of understanding with local governments or private entities for implementation of components of the state program.

(2) The department is authorized to adopt rules that are consistent with federal requirements to implement a state program. Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in all lead-based paint activities;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

- (f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;
  - (g) Provide for decertification, deaccreditation, and financial assurance for a person certified by or a training provider accredited by the department; and
  - (h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.
- (3) The department may accept federal funds for the administration of the program.
- (4) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), and Title X of the housing and community development act of 1992 (P.L. 102-550).
- (5) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.

**NEW SECTION. Sec. 4.** (1) The department shall establish a program for certification of persons involved in lead-based paint activities and for accreditation of training providers in compliance with federal laws and rules.

- (2) Rules adopted under this section shall:
- (a) Establish minimum accreditation requirements for lead-based paint activities for training providers;
  - (b) Establish work practice standards for conduct of lead-based paint activities;
  - (c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;
  - (d) Require the use of certified personnel in any lead-based paint hazard reduction activity;
  - (e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;
  - (f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;
  - (g) Provide for decertification, deaccreditation, and financial assurance for a person certified or accredited by the department; and
  - (h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.
- (3) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745 (1996), Subparts L and Q, and Title X of the housing and community development act of 1992 (P.L. 102-550).
- (4) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.
- (5) The department may accept federal funds for the administration of the program.

**NEW SECTION. Sec. 5.** The department shall adopt rules to:

- (1) Establish procedures and requirements for the accreditation of lead-based paint activities training programs including, but not limited to, the following:
- (a) Training curriculum;
  - (b) Training hours;
  - (c) Hands-on training;
  - (d) Trainee competency and proficiency;
  - (e) Training program quality control;
  - (f) Procedures for the reaccreditation of training programs;
  - (g) Procedures for the oversight of training programs; and
  - (h) Procedures for the suspension, revocation, or modification of training program accreditations, or acceptance of training offered by an accredited training provider in another state or Indian tribe authorized by the environmental protection agency;
- (2) Establish procedures for the purposes of certification, for the acceptance of training offered by an accredited training provider in a state or Indian tribe authorized by the environmental protection agency;
- (3) Certify individuals involved in lead-based paint activities to ensure that certified individuals are trained by an accredited training program and possess appropriate educational or experience qualifications for certification;

- (4) Establish procedures for recertification;
- (5) Require the conduct of lead-based paint activities in accordance with work practice standards;
- (6) Establish procedures for the suspension, revocation, or modification of certifications; and
- (7) Establish requirements for the administration of third-party certification exams;
- (8) Use laboratories accredited under the environmental protection agency's national lead laboratory accreditation program;
- (9) Establish work practice standards for the conduct of lead-based paint activities for:
  - (a) Inspection for presence of lead-based paint;
  - (b) Risk assessment; and
  - (c) Abatement;
- (10) Establish an enforcement response policy that shall include:
  - (a) Warning letters, notices of noncompliance, notices of violation, or the equivalent;
  - (b) Administrative or civil actions, including penalty authority, including accreditation or certification suspension, revocation, or modification; and
  - (c) Authority to apply criminal sanctions or other criminal authority using existing state laws as applicable.

The department shall prepare and submit a biennial report to the legislature regarding the program's status, its costs, and the number of persons certified by the program.

**NEW SECTION. Sec. 6.** The lead paint account is created in the state treasury. All receipts from section 7 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

**NEW SECTION. Sec. 7.** (1) The department shall collect a fee in the amount of twenty-five dollars for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors, and abatement workers.

(2) The department shall collect a fee in the amount of two hundred dollars for the accreditation of lead paint training programs.

**NEW SECTION. Sec. 8.** (1)(a) The director or the director's designee is authorized to inspect at reasonable times and, when feasible, with at least twenty-four hours prior notification:

- (i) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and
- (ii) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.

(b) Any accredited training program or any firm or individual certified under this chapter that denies access to the department for the purposes of (a) of this subsection is subject to deaccreditation or decertification under section 4 of this act.

(2) The director or the director's designee is authorized to inspect premises or facilities, with the consent of the owner or owner's agent, where violations may occur concerning lead-based paint activities, as defined under section 2 of this act, at reasonable times and, when feasible, with at least forty-eight hours prior notification of the inspection.

(3) Prior to receipt of federal lead-based paint abatement funding, all premise or facility owners shall be notified by any entity that receives and disburses the federal funds that an inspection may be conducted. If a premise or facility owner does not wish to have an inspection conducted, that owner is not eligible to receive lead-based paint abatement funding.

**NEW SECTION. Sec. 9.** (1) The department is designated as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program under the jurisdiction of the United States environmental protection agency.

(2) No individual or firm can perform, offer, or claim to perform lead-based paint activities without certification from the department to conduct these activities.

(3) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted under this chapter. No person whose certificate is revoked under this chapter shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) A risk assessor, inspector, contractor, project designer, or worker violates work practice standards established by the United States environmental protection agency or the United States department of housing and urban development governing work practices and procedures; or

(b) The certificate was obtained by error, misrepresentation, or fraud.

(4) Any person convicted of violating any of the provisions of this chapter is guilty of a misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether

imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of certification forfeiture under this chapter. Violations of this chapter include:

- (a) Failure to comply with any requirement of this chapter;
- (b) Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required;
- (c) Obtaining certification through fraud or misrepresentation;
- (d) Failure to obtain certification from the department and performing work requiring certification at a job site; or
- (e) Fraudulently obtaining certification and engaging in any lead- based paint activities requiring certification.

**NEW SECTION. Sec. 10.** (1) The department's duties under this act are subject to authorization of the state program from the federal government within two years of the effective date of this section.

(2) The department's duties under this act are subject to the availability of sufficient funding from the federal government for this purpose. The director or his or her designee shall seek funding of the department's efforts under this chapter from the federal government. By October 15th of each year, the director shall determine if sufficient federal funding has been provided or guaranteed by the federal government. If the director determines sufficient funding has not been provided, the department shall cease efforts under this chapter due to the lack of federal funding.

**NEW SECTION. Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 70 RCW."

Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5662 Prime Sponsor, Senator Hale: Clarifying community economic revitalization board membership provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5716 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.0921 and 1990 c 210 s 3 are each amended to read as follows:

- (1) It is a misdemeanor for any person:
  - ~~((1))~~ (a) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;
  - ~~((2))~~ (b) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;
  - ~~((3))~~ (c) To display or represent as one's own any driver's license or identicard not issued to him or her;
  - ~~((4))~~ (d) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;
  - ~~((5))~~ (e) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
  - ~~((6))~~ (f) To permit any unlawful use of a driver's license or identicard issued to him or her.
- (2) It is a class C felony for any person to sell or deliver a stolen driver's license or identicard.

(3) It is unlawful for any person to manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, or to manufacture, sell, or deliver a blank driver's license or identicard except under the direction of the department. A violation of this subsection is:

(a) A class C felony if committed (i) for financial gain or (ii) with intent to commit forgery, theft, or identity theft; or

(b) A gross misdemeanor if the conduct does not violate (a) of this subsection.

(4) Notwithstanding subsection (3) of this section, it is a misdemeanor for any person under the age of twenty-one to manufacture or deliver fewer than four forged, fictitious, counterfeit, or fraudulently altered driver's licenses or identicards for the sole purpose of misrepresenting a person's age.

(5) In a proceeding under subsection (2), (3), or (4) of this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality."

Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5719 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Penalizing the fraudulent use of credit card scanning devices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 1, 2003

SSB 5761 Prime Sponsor, Senate Committee On Economic Development: Modifying requirements for industrial projects of statewide significance. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

April 1, 2003

ESSB 5785 Prime Sponsor, Senate Committee On Parks, Fish & Wildlife: Concerning the use of a nonhighway vehicle on certain nonhighway roads or trails that are restricted to pedestrian or animal travel. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

April 1, 2003

SB 5893 Prime Sponsor, Senator Oke: Allowing the fish and wildlife commission to set a transaction fee on recreational documents issued through an automated licensing system. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., April 4, 2003, the 82<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY FIRST DAY, APRIL 3, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTY SECOND DAY**

---

House Chamber, Olympia, Friday, April 4, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christopher Burlingame and Sarah Ross. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church, Olympia.

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

**MESSAGE FROM THE SENATE**

April 3, 2003

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5403, and the same is herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1052,  
SUBSTITUTE HOUSE BILL NO. 1069,



**INTRODUCTION & FIRST READING**

HB 2239 by Representatives Linville, Cooper and Gombosky

AN ACT Relating to water right fees; amending RCW 90.03.471; adding a new section to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.470.

Referred to Committee on Appropriations.

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

**REPORTS OF STANDING COMMITTEES**

April 4, 2003

HB 1096 Prime Sponsor, Representative Berkey: Revising business and occupation taxation for certain aviation businesses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1589 Prime Sponsor, Representative Murray: Allowing annual permits for oversize towing operations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1700 Prime Sponsor, Representative Anderson: Requiring a statewide cost-of-living index for basic education salary allocations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cox and McMahan.

Referred to Committee on Appropriations.

April 4, 2003

HB 2005 Prime Sponsor, Representative Gombosky: Providing tax deductions and exemptions for postage costs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Vice Chairman; Conway.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 2038 Prime Sponsor, Representative Gombosky: Modifying tobacco escrow refund provisions.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

ESSB 5012 Prime Sponsor, Senate Committee On Education: Authorizing charter schools. Reported by  
Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** The legislature finds that in addition to providing more, high quality public school choices for families, teachers, and students, public charter schools may be a tool for the improvement of schools in which significant numbers of students persistently fail to meet state standards. The legislature also finds that the federal no child left behind act of 2001 authorizes the conversion of noncharter public schools to charter public schools in the restructuring process for schools that persistently fail to make adequate yearly progress in student achievement.

The legislature intends to authorize the establishment of charter schools for the primary purpose of providing more, high quality learning environments to assist educationally disadvantaged and other students in meeting the state's academic standards. The legislature also intends to encourage school districts to consider using the chartering process as an optional tool for developing viable school improvement plans aimed at achieving state and federal accountability goals. The legislature also intends to authorize the use of the chartering process as a state intervention strategy to provide focused assistance to low performing schools.

**NEW SECTION. Sec. 2. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternate sponsor" means either: (a) The educational service district in which the proposed charter school will be located; or (b) either the governing board of a state or regional university as defined in RCW 28B.10.016 or the governing board of The Evergreen State College, in consultation with the educational service district in which the proposed charter school will be located. An institution of higher education, to be eligible as an alternate sponsor, must operate an approved teacher education program meeting state standards leading to teacher certification. Charter schools sponsored under this subsection shall be approved by the governing board of the sponsoring institution or by the dean of the department of the school of education or the school operating the institution's teacher education program, or by an official or agency designated by and accountable to the governing board of the sponsoring institution.

(2) "Applicant" means a nonprofit corporation that has submitted an application to a sponsor or an alternate sponsor to obtain approval to operate a charter school. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(3) "Board of directors" means the board of directors appointed or elected by the applicant to manage and operate the charter school.

(4) "Charter" means a contract between an applicant and a sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter school.

(5) "Charter school" means a public school managed by an applicant's board of directors and operating independently of any school district board under a charter approved in accordance with this chapter.

(6) "Conversion charter school" means a noncharter public school converted to a charter public school through the chartering process approved in accordance with this chapter.

(7) "Educationally disadvantaged students" includes students who do not speak English proficiently, students with special needs, students who qualify for free and reduced priced meals, and other students who are at risk of failing to meet state and federal academic performance standards.

(8) "Sponsor" means the school district in which the charter school is located.

**NEW SECTION. Sec. 3. CHARTER SCHOOLS--POWERS.** (1) In carrying out its duty to manage and operate the charter school, the board of directors of a charter school may:

(a) Hire, manage, and discharge any charter school employee in accordance with the terms of this chapter and that school's charter;

(b) Enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services;

(c) Rent, lease, or own property, but may not acquire property by eminent domain. All charters and charter school contracts with other public and private entities must include provisions regarding the disposition of the property if the charter school fails to open as planned, closes, or the charter is revoked or not renewed;

(d) Issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. Such an issuance does not constitute an obligation, either general, special, or moral of the state, the charter school sponsor, the school district in which the charter school is located or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, the charter school sponsor, the school district in which the charter school is located, or any other political subdivision or agency of the state may be pledged for the payment of such debt;

(e) Accept and administer for the benefit of the charter school and its students gifts, grants, and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter.

(2) A charter school may not charge tuition, levy taxes, or issue bonds, however it may charge fees for optional noncredit extracurricular events.

(3) Neither a charter school sponsor, an alternate sponsor, nor the school district in which the charter school is located is liable for acts or omissions of a charter school, including but not limited to acts or omissions related to the application, the charter, the operation, the performance, and the closure of the charter school.

**NEW SECTION. Sec. 4. LEGAL STATUS.** A charter school is a public school including one or more of grades kindergarten through twelve, operated by a board of directors appointed or elected by a charter school applicant, according to the terms of a renewable five-year contract granted by a sponsor or an alternate sponsor. A charter school may offer any program or course of study that a noncharter public school may offer.

**NEW SECTION. Sec. 5. CHARTER SCHOOLS--EXEMPTIONS.** (1) A charter school shall operate independently of any school district board, under a charter approved by a sponsor or an alternate sponsor under this chapter.

(2) Charter schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors except those statutes and rules as provided for and made applicable to charter schools in accordance with this chapter and in the school's approved charter.

(3) A charter school's board of directors may elect to comply with one or more provisions of the statutes or rules that are applicable to school districts and school district board of directors.

(4) All approved charter schools shall:

(a) Comply with state and federal health, safety, parents' rights, civil rights laws, and nondiscrimination laws, including but not limited to, chapter 28A.640 RCW (sexual equality) and Title IX of the education amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) applicable to school districts, and to the same extent as school districts;

(b) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the elementary, middle school, and high school standards, requirements, and assessment examinations as required in RCW 28A.655.060;

(c) Employ certificated instructional staff as required in RCW 28A.410.010, however charter schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260. Charter school instructional staff shall comply with RCW 28A.405.030;

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Be subject to the same financial and audit requirements as a school district, and in addition be subject to regular independent performance audits conducted by the state legislative auditor;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Follow the performance improvement goals and requirements adopted by the academic achievement and accountability commission by rule under RCW 28A.655.030;

(h) Report at least annually to its sponsor, the school district in which the charter school is located, and to parents of children enrolled at the charter school on progress toward the student performance goals specified in the charter;

(i) Comply with the open public meetings act in chapter 42.30 RCW and open public records requirements in RCW 42.17.250; and

(j) Be subject to and comply with legislation enacted after the effective date of this act governing the operation and management of charter schools.

(5) A member of a board of directors of a charter school shall be considered the equivalent of a board member of a school district for the purposes of public disclosure requirements and must comply with the reporting requirements in RCW 42.17.240.

**NEW SECTION. Sec. 6. ADMISSION REQUIREMENTS.** (1) Notwithstanding subsection (2) of this section, a conversion charter school may not displace students enrolled prior to the chartering process and must be structured to provide sufficient capacity to enroll all students who wish to remain enrolled in the school after conversion and must give first priority to enrollment of those students.

(2) A charter school must enroll all students who submit a timely application if capacity is sufficient. If capacity is insufficient to enroll all students who submit a timely application, the charter school must give enrollment priority to students who reside within the school district boundaries in which the charter school is physically located, students exercising public school choice under the federal no child left behind act of 2001, and students transferring from schools receiving focused assistance. Priority also must be given to siblings of students who are currently enrolled in the school. Students must be selected through an equitable selection process, such as a lottery, to fill any remaining spaces.

(3) A charter school must enroll and serve educationally disadvantaged students and may not limit admission on any characteristic listed in RCW 49.60.010. A charter school may limit admission to students within a given age group or grade level.

(4) The percentage of educationally disadvantaged students enrolled in a charter school must be equal to or greater than the percentage of such students in a noncharter public school being converted to a charter or in the district in which the charter school is located.

**NEW SECTION. Sec. 7. CHARTER APPLICATION--CHARTERING PROCESS.**

(1) An applicant may apply to a sponsor or an alternate sponsor to establish a charter school in accordance with this section.

(2) An application for a charter school must be submitted first to the board of directors of the school district in which the proposed charter school will be located, allowing for the board's consideration of the application in accordance with subsections (3) and (4) of this section, before the application may be submitted to an alternate sponsor.

(3) The school district board of directors must decide, within forty-five days of receipt of the application, whether to hold a public hearing in the school district for the purpose of taking public comment on the application and must schedule such a hearing within seventy-five days of receipt of the application. If the school board intends to accept the application, one or more public hearings must be held prior to the granting of a charter; however a school board is not required to hold a public hearing prior to rejecting an application. The school board must either accept or reject the application within one hundred five days after receipt of the application. The one hundred five-day deadline for acceptance or rejection of the charter school application may be extended for an additional thirty days if both parties agree in writing.

(4) If the school board elects not to hold a public hearing or rejects the application after holding one or more public hearings, the school board must notify the applicant in writing of the reasons for that decision. The applicant may submit a revised application for the school board's reconsideration and the school board may provide assistance to improve the application. If the school board rejects the application after submission of a revised application, the school board must notify the applicant in writing of the reasons for the rejection.

(5) Applications to an alternate sponsor for the conversion of a noncharter public school to a charter school may be made only to an educational service district sponsor.

(6) Alternate sponsors must comply with the procedures in subsections (1) through (4) of this section for consideration of the charter application. A sponsor or alternate sponsor is not bound by another sponsor's or another alternate sponsor's findings or decision to deny the application.

(7) The superintendent of public instruction shall maintain copies of all approved charter applications. An applicant may obtain copies of those applications from the office of the superintendent of public instruction.

(8) Educational service districts and the superintendent of public instruction are encouraged to assist schools and school districts in which significant numbers of students persistently fail to meet state standards with completing the chartering process. Assistance from an educational service district or from the superintendent of public instruction may include, but is not limited to, identifying potential eligible applicants and assisting with the charter application and approval processes.

(9) To the extent authorized in the federal no child left behind act of 2001, under the restructuring and alternative governance provisions for schools failing to meet adequate yearly progress, the superintendent of

public instruction may require the conversion in accordance with the provisions of this chapter of a persistently failing or low performing noncharter public school into a charter school for the purpose of meeting state and federal student achievement and accountability requirements.

**NEW SECTION. Sec. 8. APPLICATION REQUIREMENTS.** The charter school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names, descriptions, curriculum vitae, and qualifications, which shall be subject to verification and review, of the individuals who will operate the school;

(2) The nonprofit corporation's proposed articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed school, consistent with the description of legislative intent in this chapter;

(4) A description of the school's educational program, including curriculum and instructional strategies, including whether and how the charter school will assist its educationally disadvantaged students and students transferring from low performing schools in meeting the state's academic standards;

(5) A description of the school's admissions policy and marketing program, including deadlines for applications or admissions and evidence supporting enrollment projections of students from low performing schools or of educationally disadvantaged students;

(6) A description of student performance standards and requirements that must meet those determined under RCW 28A.655.060, and be measured according to the assessment system determined under RCW 28A.655.060;

(7) A description of the plan for evaluating student performance and the procedures for taking corrective action in the event that student performance at the charter school falls below standards established in its charter;

(8) A description of the financial plan for the school. The plan shall include: (a) A proposed five-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a five-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for administration, management, equipment, and services, including consulting services, leases, improvements, purchases of real property, and insurance;

(9) A description of the proposed financial management procedures and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain. For purposes of this subsection, a liability insurance policy of five million dollars is required;

(11) A description of the procedures to discipline and dismiss students; and

(12) A description of procedures to assure the health and safety of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations.

**NEW SECTION. Sec. 9. APPROVAL CRITERIA.** A sponsor or alternate sponsor may approve an application for a charter school, if in the sponsor's or alternate sponsor's reasonable judgment, after exercising due diligence and good faith, the sponsor or alternate sponsor finds:

(1) The applicant is an eligible public benefit nonprofit corporation and the individuals it proposes to manage and operate the school are qualified to operate a charter school and implement the proposed educational program;

(2) The mission statement is consistent with the description of legislative intent and restrictions on charter school operations in this chapter;

(3) The school's proposed educational program is free from religious or sectarian influence;

(4) The school's proposed educational program includes student academic performance standards and requirements that meet those determined under RCW 28A.655.060 and are measured according to the assessment system determined under RCW 28A.655.060;

(5) The application includes a viable plan for evaluating pupil performance and procedures for taking appropriate corrective action in the event that pupil performance at the charter school falls below standards established in its charter;

(6) The school's educational program, including its curriculum and instructional strategies, is likely to assist educationally disadvantaged students and students transferring from low performing schools in meeting the state's academic standards;

(7) The school will serve students transferring from low performing schools or educationally disadvantaged students or both, and the school's projected percentage of educationally disadvantaged students is equal to or greater than the percentage of such students in the noncharter public school being converted, or in the district in which the charter school is located;

(8) The school's admissions policy and marketing program is consistent with state and federal law;

(9) The financial plan for the school is designed to reasonably support the charter school's educational program based on a review of the proposed five-year budget of projected revenues, expenditures, and facilities;

(10) The school's financial and administrative operations, including its audits, meet or exceed generally accepted standards of accounting and management;

(11) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. For purposes of this subsection, a liability insurance policy of five million dollars is required;

(12) The procedures the school plans to follow for discipline and dismissal of students are reasonable and comply with federal law;

(13) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable state and federal health and safety laws and regulations; and

(14) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).

**NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT.** (1) A charter application approved by a sponsor or an alternate sponsor with any changes or additions, including performance standards or benchmarks established by the sponsor, constitutes a charter.

(2) A charter may be amended during its term at the request of the charter school board of directors and on the approval of the sponsor or alternate sponsor.

(3) A charter may not prohibit and must provide for application of laws applicable to charter schools or to charter school boards of directors enacted after the effective date of this section.

**NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION.** (1) An approved plan to establish a charter school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter school may apply to the original sponsor or alternate sponsor for renewal. A request for renewal must be submitted no later than six months before the expiration of the charter.

(2) A charter school renewal application must include:

(a) A report on the progress of the charter school in achieving the goals; student performance standards, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030; and other terms of the charter; and

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter school.

(3) The sponsor or alternate sponsor shall reject the application for renewal if the academic progress of students in the charter school, as measured by the standards and assessments in RCW 28A.655.060, is inferior to the average progress of students in the district in which the charter school is located when similar student populations are compared.

(4) The sponsor or alternate sponsor may reject the application for renewal if any of the following occurred:

(a) The charter school materially violated its contract with the sponsor or alternate sponsor, as set forth in the charter;

(b) The students enrolled in the charter school failed to meet student performance standards identified in the charter, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030;

(c) The charter school failed to meet generally accepted standards of fiscal management; or

(d) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(5) A sponsor or alternate sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school within three months of the request for renewal to allow the charter school an opportunity to correct identified deficiencies in its operation. At the request of the board of directors of the charter school, the sponsor or alternate sponsor shall review its decision for nonrenewal after the charter school has corrected any identified deficiencies.

(6) The sponsor or alternate sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, for any of the reasons specified in subsection (3) or (4) of this section. Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor or alternate sponsor first provides written notice of the specific violations alleged, a public hearing in the school district in which the charter school is located, and a reasonable opportunity for the charter school to correct the identified areas of concern. The sponsor or alternate sponsor of a charter school shall provide for an appeal process upon a determination by the sponsor or alternate sponsor that grounds exist to revoke a charter.

(7) A charter school planning to close or anticipating revocation or nonrenewal of its charter shall provide a plan setting forth a timeline and the responsible parties for disposition of students and student records and disposition of finances.

(a) Immediately following the decision to close a school, the school must:

(i) Submit to the sponsor or alternate sponsor a list of parent addresses and proof that the school has communicated the impending closure of the school to all parents and staff;

(ii) Assign staff responsible for transition of student records and for providing assistance to students and parents in transferring from the charter school to the district public, private, or home school chosen by the family;

(iii) Provide the names and contact information for staff responsible for student transfer of records, as well as the projected transition tasks and timelines to the sponsor or alternate sponsor, and upon completion of student transition, provide a list of students and a brief description of the disposition of their student records to the sponsor or alternate sponsor.

(b) Prior to closing the charter school the charter school board of directors shall:

(i) Identify a trustee who will, through the process of closing the school and for a term of ten years thereafter, assume responsibility for school and student records, and notify the sponsor or alternate sponsor of the name and contact information for the trustee;

(ii) Determine the amount of anticipated revenue due to the school as well as anticipated liabilities, and provide a complete asset and liability report to the sponsor or alternate sponsor;

(iii) Create a current and projected payroll and payroll benefits commitment;

(iv) List each employee, job, and the funds necessary to complete the educational calendar balance of the year, the transition of students and records, and the administrative close-down tasks;

(v) Determine the total moneys required to complete contracts;

(vi) Schedule an audit and set aside funds to cover costs; and

(vii) Provide the sponsor or alternate sponsor with a plan for the closure of the school and final disposition of all property owned by the charter school.

**NEW SECTION. Sec. 12. FUNDING.** (1) For charter schools approved by a sponsor:

(a) For purposes of funding, students in charter schools shall be considered students of the sponsoring district for state apportionment purposes. Without violating section 13 of this act, the sponsoring school district shall provide prompt and timely funding for charter schools in amounts the schools would have generated if the students were enrolled in a noncharter public school in the district except that a charter school shall not generate eligibility for small school assistance. Funding for charter schools shall include regular apportionment, categorical, student achievement, and nonbasic education moneys, as appropriate and shall be based on enrollment, staffing, and other financial information submitted by the charter school to the school district as required to determine state apportionment amounts. A sponsor shall submit, by November 1st of each year, to the office of the superintendent of public instruction annual year-end financial information, as prescribed by the superintendent, for each charter school sponsored in the previous school year;

(b) Local levy moneys approved by the voters before the effective date of a charter between a school district and an applicant shall not be allocated to a charter school unless the sponsoring school district determines it has received sufficient authority from voters to allocate maintenance and operation excess tax levy money to the charter school. For levies approved after the effective date of a charter, charter schools shall be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district only to the extent agreed to by the school district board of directors. In making the decision, the school district board of directors shall consult with the charter school board of directors; and

(c) A charter school is eligible for state matching funds for common school construction if a sponsoring school district determines it has received voter approval of local capital funds for the project.

(2) Public schools converting to charter schools shall receive funding in the same manner as other charter schools sponsored by school districts.

(3) If the sponsor is not a school district, students in the charter school shall be considered a separate school district for state apportionment purposes. Without violating section 13 of this act, the superintendent of public instruction shall provide prompt and timely funding for charter schools through the apportionment funding formulas in amounts the schools would have generated if the students were enrolled in a school district except that a charter school shall not generate eligibility for small school assistance. The funding shall include regular apportionment, categorical, student achievement, and nonbasic education moneys and shall be based on enrollment, staffing, and other financial information submitted by the charter school to the superintendent of public instruction, as required to determine state apportionment amounts. Those allocations to charter schools that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy base of the district in which the charter school is located.

(4) No local levy money may be allocated to a charter school if the charter school is sponsored by a sponsor that is not a school district.

(5) To be eligible to receive state categorical program funding, a charter school must serve students who would be eligible for program funding if served by the school district.

**NEW SECTION. Sec. 13. ADMINISTRATION FEE.** To offset costs of oversight and administering the charter, a sponsor or an alternate sponsor may retain up to three percent of state funding and local excess levy funding, if applicable, that is being driven to the charter school. Except for the administration fee in this section,

no other offsets or deductions are allowed, whether for central administration or other off-site support services, from a charter school's per-pupil share of state appropriations, local levies, or other funds, unless the charter school has contracted with a school district to obtain specific additional services.

**NEW SECTION. Sec. 14. LEAVES OF ABSENCE.** If a school district employee makes a written request for an extended leave of absence to work at a charter school, the school district shall grant the request. The school district may require that the request for a leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for up to three years. If the employee returns to the school district within the three-year period, the employee shall be hired before the district hires anyone else with fewer years of service, with respect to any position for which the returning employee is certificated or otherwise qualified.

**NEW SECTION. Sec. 15. STUDY OF CHARTER SCHOOLS.** The Washington institute for public policy shall study the implementation and effectiveness of this act. The institute shall report to the legislature on the effectiveness of charter schools in raising student achievement and the impact of charter schools. The institute also shall examine and discuss whether and how charter schools have enhanced education reform efforts and recommend whether relaxing or eliminating certain regulatory requirements for noncharter public schools could result in improved school performance at those schools. The institute shall recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by March 1, 2006, and a final report is due September 1, 2007.

**NEW SECTION. Sec. 16. NUMBER OF CHARTER SCHOOLS.** (1) Applications for charter schools may begin on the effective date of this section. The maximum number of charters that can be granted under this chapter is five in the first year commencing July 1, 2003, five in the second year, and fifteen in each of the next four years. These annual allocations shall be cumulative so that if the maximum is not reached in any given year the maximum shall be increased accordingly for the successive years. Sixty percent of allowable new charters each year may be approved only for charter schools that will serve educationally disadvantaged students, or students from low performing schools.

(2) For purposes of monitoring compliance with this section and providing information to new charter school applicants, the superintendent of public instruction shall maintain a running total of the projected and actual enrollment at charter schools and the total number of charters granted. Charters for schools planning to open at the beginning of a school year must be approved no later than March 31st of the preceding school year, except that for new charter schools planning to open in September 2003, the charter may be approved up to fifteen days after the effective date of this act.

(3) For purposes of implementing this subsection, a sponsor or alternate sponsor shall notify the office of the superintendent of public instruction when it receives a charter school application, when it approves a charter school, and when a charter school is terminated. When the maximum allowable number of new charter schools is approved in a given year, the superintendent shall notify potential sponsors that the annual limit has been reached.

(4) The maximum number of charter schools allowed under this section does not include noncharter public schools converting to charter schools, however, conversion charter schools shall be considered charter schools for the purposes of subsections (2) and (3) of this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 41.56 RCW to read as follows:

This chapter applies to charter schools as defined in section 2 of this act and the charter school's employees included in the bargaining unit. The bargaining unit of employees of charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district unless the charter school is a public school that has converted to a charter school. The employees of public schools that have converted to a charter school shall remain members of the bargaining units in the school district.

This section, designating charter schools as employers and charter school employees as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.59 RCW to read as follows:

This chapter applies to collective bargaining agreements between charter schools and the employees of charter schools included in the bargaining unit. The bargaining unit of employees of charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.



This section, designating charter schools as employers and charter school employees as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 19.** RCW 41.59.080 and 1998 c 244 s 11 are each amended to read as follows:

The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in RCW 41.59.070(3), and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts; and

(8) The bargaining unit of certificated employees of school districts, educational service districts, or institutions of higher education that are education providers under chapter 28A.193 RCW must be limited to the employees working as education providers to juveniles in each adult correctional facility maintained by the department of corrections and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education; and

(9) The bargaining unit for employees of charter schools as defined in section 2 of this act must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. **Sec. 20.** CAPTIONS NOT LAW. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. **Sec. 21.** Sections 1 through 16 and 20 of this act constitute a new chapter in Title 28A RCW.

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

Correct the title.

Signed by Representatives Quall, Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Hunter and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Representatives McDermott, Vice Chairman; Cox; Haigh; McMahan and Santos.

Referred to Committee on Appropriations.

April 4, 2003

SSB 5023 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Concerning the construction of an additional or replacement well. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal or withdraw water under the right from an additional existing well or wells at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) Except as provided in subsection (5) of this section, an amendment to withdraw water under the right from an additional existing well or wells, construct replacement or a new additional well or wells at a location outside of the location of the original well or wells, or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall (~~tap the same body of public ground water~~) be located within the same water resource inventory area (WRIA), as defined in chapter 173-500 WAC, as the original well or wells or in an adjoining WRIA. If a watershed plan has been approved under chapter 90.82 RCW or a comprehensive watershed plan has been adopted under RCW 90.54.040(1) for the WRIA or the adjoining WRIA or for both WRIs, moving the location of the well or wells through construction or addition must be consistent with the plan or plans. If a ground water management program has been adopted by the department under RCW 90.44.400 through 90.44.430 for the original or new location for the well or wells, moving the location of the well or wells through construction or addition must be consistent with the adopted program; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is added or constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not (~~enlarge the right~~) increase the annual or instantaneous quantity conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The addition or construction of a replacement or new or existing additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new or existing additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is added or constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new or existing additional well is added or constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not (~~enlarge the right~~) increase the annual or instantaneous quantity conveyed by the original water use permit or certificate; (d) the addition or construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the larger of: (a) The area described as the point of withdrawal in the original public notice published for the application for the water right for the well; or (b) the area up to one-quarter mile radius from the current well or wells.

(5)(a) A water right holder may add or construct a replacement or new or existing additional well or wells at a location outside the location of the original well or wells but not more than two miles from the current well or wells without obtaining approval from the department under the following conditions:

(i) At least sixty days before adding or starting construction of the well or wells, the water right holder must provide written notice to the department of the intention to add or construct the replacement or additional well or wells and publish a legal notice prescribed by the department describing the location of the additional existing or proposed well or wells, the amounts of water to be withdrawn, and other details deemed necessary by the department. The notice must state that a person wishing to assert a claim of impairment of the person's water right may do so by filing the claim with the department and the deadline for doing so, which shall be within thirty days of the last date of publication of the notice. The notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the area in which the well or wells would be located or added.

The department must provide a copy of the notice to the tribal governments of all Indian tribes in the watershed or watersheds involved and to any planning unit conducting planning under chapter 90.82 RCW for the area and must post a copy of the notice on its internet web site. The department must file such a claim on behalf of the state if it believes any water rights held by the state would be impaired;

(ii) No claims of impairment of a water right are filed by the holder of the water right with the department relating to the proposed replacement or additional well or wells within thirty days of the last date of publication of the legal notice; and

(iii) The conditions of subsection (3)(a) through (d), (f), and (g) of this section are met.

(b) If a claim of impairment of a water right is timely filed by the holder of the water right with the department, the department shall make a determination regarding the impairment claim and shall issue its determination in writing within ninety days of the date the claim was filed, stating either that it finds that there will be impairment (a "finding of impairment") or that it finds there will not be impairment (a "finding of no impairment"). The department's written determination or its failure to issue a determination within the ninety-day deadline may be appealed, by the claimant or by the water right holder who published notice under (a)(i) of this subsection, to the pollution control hearings board as provided in chapter 43.21B RCW.

(c) Where an impairment claim has been filed, a replacement well may only be added or constructed under this subsection (5) after a final resolution of the impairment claim results in a finding of no impairment. Final resolution of an impairment claim occurs at the expiration of the appeal period following a final determination by the department, the pollution control hearings board, and any reviewing court.

(d) The failure of the department or a person authorized to file a claim of impairment before the thirty-day deadline established in (a) of this subsection shall not be construed as precluding the department or the person from taking actions to require the discontinuance of or reduction in the withdrawal of water from the well or wells added or located and constructed under the authority of this subsection (5) if the state's or person's rights are impaired by the withdrawals."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 4, 2003

2SSB 5024 Prime Sponsor, Senate Committee On Ways & Means: Concerning public water systems.  
Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state laws have long recognized that communities are dynamic entities. The legislature also finds that any interpretation of its laws that would require its communities to be ossified or frozen in time or would require their future growth to be precisely predictable defies the needs of human society. The legislature has provided numerous means and considerable guidance to its communities regarding their growth and for providing essential services within them as they grow. While the legislature recognizes that the totality of the statutory law that governs such communities is found in a wide variety of places throughout the codified version of the statute laws, the Revised Code of Washington, the legislature also recognizes that it has not always expressly announced in the portion of those statutes generally referred to as the state's water laws how the nature of water rights held by municipal water suppliers accommodates the growth of and changes in communities and the requirements placed on them and authorities granted to them by other laws. The legislature finds that this is in part because state policies in the administration of the water laws have reflected the dynamic nature of human habitation and population growth from within and from without the state. For a very long time, these policies recognized that a water right for municipal water supply purposes is "perfected" when facilities for diverting or withdrawing and distributing the water are constructed but before all of the water is placed to actual use within the community or communities served.

With the enactment of this legislation, the legislature intends to provide within the water laws a curative clarification of the relationship of water rights for municipal water supply purposes to the requirements of other law and the realities of growth.

**Sec. 2.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read as follows:

~~((As used in this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology~~((; and))~~.

(2) "Director" means the director of ecology~~((; and))~~.

(3) "Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

(4) "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

(5) "Person" means any firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.03 RCW to read as follows:

Beneficial uses of water under a municipal water supply purposes water right may include water for:

(1) Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values; or

(2) Uses that are needed to implement environmental obligations called for by a watershed plan approved under chapter 90.82 RCW or a comprehensive watershed plan adopted under RCW 90.54.040(1), a federally approved habitat conservation plan prepared in response to the listing of a species as being endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a comprehensive irrigation district management plan.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.03 RCW to read as follows:

When requested by a municipal water supplier or when processing a change or amendment to the right, the department shall amend the water right documents and related records to ensure that water rights that are for municipal water supply purposes, as defined in RCW 90.03.015, are correctly identified as being for municipal water supply purposes.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.14 RCW to read as follows:

When a municipal water supplier acquires an existing water right that is not a municipal water supply purpose right, that right is not subject to relinquishment for nonuse occurring during the time that the acquirer diligently seeks the department's approval to change the right to municipal water supply purposes. Once a change to municipal water supply purposes is approved by the department, the right is thereafter subject to the exception from relinquishment in RCW 90.14.140(2)(d).

**Sec. 6.** RCW 90.14.031 and 1969 ex.s. c 284 s 12 are each amended to read as follows:

~~((Unless a different meaning is plainly required by the context, the following words and phrases as used in RCW 90.14.031 through 90.14.121 shall have the following meanings:))~~

(1) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Municipal water supplier" has the same meaning as defined in RCW 90.03.015.

(b) "Municipal water supply purpose" has the same meaning as defined in RCW 90.03.015.

(2) The definitions in this subsection apply throughout RCW 90.14.031 through 90.14.121 unless the context clearly requires otherwise.

(a) "Person" shall mean an individual, partnership, association, public or private corporation, city or other municipality, county, or a state agency, and the United States of America when claiming water rights established under the laws of the state of Washington.

~~((2))~~ (b) "Beneficial use" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

**Sec. 7.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to read as follows:

(1) Each application for permit to appropriate water shall set forth the name and post office address of the applicant, the source of water supply, the nature and amount of the proposed use, the time during which water will be required each year, the location and description of the proposed ditch, canal, or other work, the time

within which the completion of the construction and the time for the complete application of the water to the proposed use.

(2) If for agricultural purposes, ~~((#))~~ the application shall give the legal subdivision of the land and the acreage to be irrigated, as near as may be, and the amount of water expressed in acre feet to be supplied per season. If for power purposes, it shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied.

(3) If for construction of a reservoir, ~~((#))~~ the application shall give the height of the dam, the capacity of the reservoir, and the uses to be made of the impounded waters.

(4) If for community or multiple domestic water supply, the application shall give the projected number of service connections sought to be served. However, for a municipal water supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the service connection figure in the application or any subsequent water right document is not an attribute limiting exercise of the water right as long as the number of service connections to be served under the right is consistent with the approved water system plan or specified number.

(5) If for municipal water supply, ~~((#))~~ the application shall give the present population to be served, and, as near as may be estimated, the future requirement of the municipality. However, for a municipal water supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the population figures in the application or any subsequent water right document are not an attribute limiting exercise of the water right as long as the population to be provided water under the right is consistent with the approved water system plan or specified number.

(6) If for mining purposes, ~~((#))~~ the application shall give the nature of the mines to be served and the method of supplying and utilizing the water; also their location by legal subdivisions.

(7) All applications shall be accompanied by such maps and drawings, in duplicate, and such other data, as may be required by the department, and such accompanying data shall be considered as a part of the application.

**Sec. 8.** RCW 90.03.386 and 1991 c 350 s 2 are each amended to read as follows:

(1) Within service areas established pursuant to chapter ~~((s))~~ 43.20 ~~((and))~~ or 70.116 RCW, the department of ecology and the department of health shall coordinate approval procedures to ensure compliance and consistency with the approved water system plan.

(2) The effect of the department of health's approval of a planning or engineering document that describes a municipal water supplier's service area under chapter 43.20 RCW, or the local legislative authority's approval of service area boundaries in accordance with procedures adopted pursuant to chapter 70.116 RCW, is that the place of use of a surface water right or ground water right used by the supplier is equivalent to, and coexistent with, the approved service area if the supplier is in compliance with the terms of the water system plan or small water system management program, including those regarding water conservation, and the alteration of the place of use is not inconsistent, regarding an area added to the place of use, with: Any comprehensive plans or development regulations adopted under chapter 36.70A RCW; any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county; or any watershed plan approved under chapter 90.82 RCW.

(3) A municipal water supplier must implement cost-effective water conservation in accordance with the requirements of sections 10 and 11 of this act as part of its approved water system plan or small water system management program. With regard to water diverted or withdrawn by the municipal water supplier under a particular surface or ground water right a portion of which is an inchoate right, a municipal supplier with one thousand or more service connections must document an improvement in the efficiency of water use or delivery under the right over the last six years before it may divert or withdraw further amounts of its inchoate right for beneficial use. When establishing or extending a surface or ground water right construction schedule under RCW 90.03.320, the department must take into consideration the public water system's use of conserved water.

**Sec. 9.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows:

(1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by ~~((him))~~ the director, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be transmitted by the department ~~((transmitted))~~ to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

(2) Except as provided for the issuance of certificates under RCW 90.03.240 and for the issuance of certificates following the approval of a change, transfer, or amendment under RCW 90.03.380 or 90.44.100, the department shall not revoke or diminish a certificate for a surface or ground water right for municipal water supply purposes as defined in RCW 90.03.015 unless the certificate was issued with ministerial errors or was obtained through misrepresentation. The department may adjust such a certificate under this subsection if

ministerial errors are discovered, but only to the extent necessary to correct the ministerial errors. The department may diminish the right represented by such a certificate if the certificate was obtained through a misrepresentation on the part of the applicant or permit holder, but only to the extent of the misrepresentation. The authority provided by this subsection does not include revoking, diminishing, or adjusting a certificate based on any change in policy regarding the issuance of such certificates that has occurred since the certificate was issued. This subsection may not be construed as providing any authority to the department to revoke, diminish, or adjust a certificate for a water right for any purpose other than municipal water supply purposes.

(3) This subsection applies to the water right represented by a water right certificate issued prior to the effective date of this section for municipal water supply purposes as defined in RCW 90.03.015 where the certificate was issued based on an administrative policy for issuing such certificates once works for diverting or withdrawing and distributing water for municipal supply purposes were constructed rather than after the water had been placed to actual beneficial use. Such a water right is a right in good standing as long as the potential use and use of water under the right is consistent with the principles of the administrative policy that led to its being issued, as that policy existed when the certificate was issued.

(4) After the effective date of this section, the department must issue a new certificate under subsection (1) of this section for a water right represented by a water right permit only for the perfected portion of a water right as demonstrated through actual beneficial use of water.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.119A RCW to read as follows:

(1) The purpose of this section is to establish water use efficiency requirements designed to ensure efficient use of water while maintaining system financial viability, improving affordability of supplies, and enhancing system reliability. The requirements apply to all municipal water suppliers, as defined in RCW 90.03.015, and must be tailored to be appropriate for a system's size, forecasted demand, and supply constraints.

(2) By December 31, 2005, the department must adopt rules that:

(a) Establish performance measures to be used in measuring the progress a municipal water supplier is making in achieving its water conservation objectives under section 11 of this act which include, but are not limited to, those regarding water distribution system leakage, collection and reporting of source production and water consumption data, and timelines for setting and achieving cost-effective conservation objectives over time;

(b) Establish criteria that identify how the department will determine whether municipal water suppliers are fulfilling the obligations established for them in section 11 of this act when the department reviews the conservation elements of water system plans and small water system management programs, submitted to it under chapter 43.20 RCW or submitted as part of coordinated water system planning under chapter 70.116 RCW. The criteria must take into consideration the historic conservation performance and conservation investment of the supplier, regional climate variations, and the supplier's customer base demographics, forecasted demand, and system supply constraints;

(c) Establish minimum requirements for water demand forecast methodologies to be used by municipal water suppliers; and

(d) Ensure compliance with the provisions of this section and section 11 of this act. The compliance processes established under this section must incorporate the graduated approach specified for the enforcement of water laws in RCW 90.03.605(1) (a) through (c).

(3) The rules adopted by the department under subsection (2) of this section must not establish state conservation requirements that are less stringent than those in effect on the effective date of this section. For the reporting required by subsection (2)(a) of this section, the rules shall require that municipal water suppliers document that they are maintaining or improving conservation performance at the water system level.

(4) The department must establish an advisory committee to assist it in developing rules under this section. The advisory committee must include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross-section of municipal water suppliers, a person employed by a municipal water supplier as a water conservation expert, tribal governments, the department of ecology, and any other members determined necessary by the department.

(5) The department must provide, upon request, technical assistance to public water systems and local governments regarding water conservation. The assistance must be available regarding, but is not limited to, the development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.119A RCW to read as follows:

A municipal water supplier, as defined in RCW 90.03.015, must integrate conservation planning into its overall system operation and management and must appropriately fund conservation activities. A municipal water supplier must adopt and achieve water conservation objectives as part of its water system plan or small water system management program developed under chapter 43.20 RCW or as part of a coordinated water system plan under chapter 70.116 RCW. A municipal water supplier must improve the efficiency of its water system or systems over time, relative to past performance, and must assist the users of its water in improving the efficiency of their water use.

Prior to the date by which the department must adopt rules under section 10(2) of this act and for the purposes of chapter 90.03 RCW, a municipal water supplier with one thousand or more service connections is in compliance with the terms of its water system plan regarding water conservation if the supplier is in compliance with the conservation elements of its current plan and it can document an improvement in the efficiency of water use or delivery in the system over the last six years and there is no loss of conservation performance prior to the adoption of the rules.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.54 RCW to read as follows:

The department shall prioritize the expenditure of funds and other resources for programs related to streamflow restoration in watersheds where the exercise of inchoate water rights may have a larger effect on streamflows and other water uses.

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.20 RCW to read as follows:

The department shall consult with the departments of ecology, fish and wildlife, and community, trade, and economic development when it approves water system plans of public water systems. In approving such a plan, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. The department shall also ensure that the plan accommodates the duty of the public water system to provide water for new residential use within its service area as described in section 14 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 43.20 RCW to read as follows:

The first choice of water supply for a new residential use of water within the service area of public water system, for which a public water system plan is required under this chapter, is water service from the public water system. The public water system has a duty to provide the water service within its service area if its service can be available in a timely and cost-effective manner and it has sufficient water rights to provide the service. Any water service provided shall be consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town. The service is available in a timely manner if the water can be provided within one hundred twenty days of the date the request for water service is made to the system by the party representing the new residential use, unless the party requests a longer period. The service is available in a cost-effective manner if the total cost to obtain the water from the public water system, including but not limited to construction and engineering costs, connection fees, and operating costs, does not exceed one hundred twenty percent of the total cost of providing water service from a well for the new residential use under the permit exemption of RCW 90.44.050.

**NEW SECTION. Sec. 15.** A new section is added to chapter 43.20 RCW to read as follows:

When a water system plan is regularly submitted to the department for review and approval, which on the effective date of this section occurs every six years, the plan must demonstrate that any new use of the inchoate water right of the system under the plan will be consistent with meeting the timelines and interim milestones established under section 5, chapter . . . , Laws of 2003 (section 5, Engrossed Substitute House Bill No. 2336) or section 8, chapter . . . , Laws of 2003 (section 8, Engrossed Substitute House Bill No. 1336) for achieving instream flows in the watershed in which water is diverted or withdrawn under the right. Public water systems shall provide public notice before submitting a water system plan or major revisions to a water system plan for approval under this chapter or under chapter 70.116 RCW. This section applies only to water systems for which a water system plan must be approved under this chapter or chapter 70.116 RCW.

**Sec. 16.** RCW 90.48.495 and 1989 c 348 s 10 are each amended to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway that would reduce flows to the sewerage system and an analysis of their anticipated impact on public sewer service and treatment capacity.

**Sec. 17.** RCW 90.48.112 and 1997 c 444 s 9 are each amended to read as follows:

The evaluation of any plans submitted under RCW 90.48.110 must include consideration of opportunities for the use of reclaimed water as defined in RCW 90.46.010. Wastewater plans submitted under RCW 90.48.110 must include a statement describing how applicable reclamation and reuse elements will be coordinated as required under RCW 90.46.120(2).

**Sec. 18.** RCW 90.46.120 and 1997 c 444 s 1 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use and distribution of the reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of the regional water supply plan or plans addressing potable water supply service by multiple water purveyors. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water supply plan or coordinated water system plan developed under chapter 43.20 or 70.116 RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

**NEW SECTION. Sec. 19.** A new section is added to chapter 90.03 RCW to read as follows:

(1) On a pilot project basis, the department may enter into watershed agreements with one or more municipal water suppliers in a watershed to meet the objectives established in a water resource management program approved or being developed under chapter 90.82 RCW. The term of an agreement may not exceed ten years, but the agreement may be renewed or amended upon agreement of the parties.

(2) Watershed agreements must be consistent with:

(a) Growth management plans developed under chapter 36.70A RCW where these plans are adopted and in effect;

(b) Water supply plans and small water system management programs approved under chapter 43.20 or 70.116 RCW;

(c) Coordinated water supply plans approved under chapter 70.116 RCW; and

(d) Water use efficiency and conservation requirements and standards established by the state department of health or such requirements and standards as are provided in an approved watershed plan, whichever are the more stringent.

(3) A watershed agreement must:

(a) Require the public water system operated by the participating municipal water supplier to meet obligations under the watershed plan;

(b) Establish performance measures and timelines for measures to be completed;

(c) Provide for monitoring of stream flows and metering of water use as needed to ensure that the terms of the agreement are met; and

(d) Require annual reports from the water users regarding performance under the agreement.

(4) As needed to implement watershed agreement activities, the department may provide or receive funding, or both, under its existing authorities.

(5) The department must provide opportunity for public review of a proposed agreement before it is executed. The department must make proposed and executed watershed agreements and annual reports available on the department's internet web site.

(6) The department must consult with affected local governments and the state departments of health and fish and wildlife before executing an agreement.

(7) Before executing a watershed agreement, the department must conduct a government-to-government consultation with affected tribal governments. The municipal water suppliers operating the public water systems that are proposing to enter the agreements must be invited to participate in the consultations. During these consultations, the department and the municipal water suppliers shall explore the potential interest of the tribal governments or governments in participating in the agreement.

(8) Any person aggrieved by the department's failure to satisfy the requirements in subsection (3) of this section as embodied in the department's decision to enter a watershed agreement under this section may, within thirty days of the execution of such an agreement, appeal the department's decision to the pollution control hearings board under chapter 43.21B RCW.

(9) Any projects implemented by a municipal water system under the terms of an agreement reached under this section may be continued and maintained by the municipal water system after the agreement expires or is terminated as long as the conditions of the agreement under which they were implemented continue to be met.

(10) The pilot project shall apply only in water resource inventory area number one established under chapter 173-500 WAC as it exists on the effective date of this section.

(11) Before December 31, 2003, and December 31, 2004, the department must report to the appropriate committees of the legislature the results of the pilot projects provided for in this section. Based on the experience of the pilot project areas, the department must offer any suggested changes in law that would improve, facilitate, and maximize the implementation of watershed plans adopted under this chapter.



NEW SECTION. Sec. 20. A new section is added to chapter 90.03 RCW to read as follows:  
The department may not enter into new watershed agreements under section 19 of this act after July 1, 2008. This section does not apply to the renewal of agreements in effect prior to that date.

NEW SECTION. Sec. 21. A new section is added to chapter 90.03 RCW to read as follows:  
The right to use water under an unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may be changed or transferred in the same manner as provided by RCW 90.03.380 if the change or transfer is subject to a watershed agreement established under section 19 of this act.

NEW SECTION. Sec. 22. The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing funds.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Orcutt and Sump.

Referred to Committee on Appropriations.

April 4, 2003

2SSB 5027 Prime Sponsor, Senate Committee On Ways & Means: Providing for locally developed watershed planning. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **"IMPLEMENTATION OF WATERSHED PLANS**

NEW SECTION. Sec. 1. The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

**Sec.2.** RCW 90.82.040 and 2001 c 237 s 2 are each amended to read as follows:

(1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and providing coordination and oversight of the implementation of the plan. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation coordination and oversight:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a

planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit's watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating governments for each planning unit must inform the department whether they intend to have the planning unit establish or amend instream flows as part of its planning process. If they elect to have the planning unit establish or amend instream flows, the planning unit is eligible to receive one hundred thousand dollars for that purpose in accordance with (a)(ii) of this subsection. If the initiating governments for a planning unit elect not to establish or amend instream flows as part of the unit's planning process, the department shall retain one hundred thousand dollars to carry out an assessment to support establishment of instream flows and to establish such flows in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use these funds to amend an existing instream flow unless requested to do so by the initiating governments for a planning unit.

(d) In administering funds appropriated for supplemental funding for optional plan components under (a)(ii) of this subsection, the department shall give priority in granting the available funds to proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four coordination and oversight of watershed plan implementation. A match of ten to twenty-five percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

(3)(a) The department shall use the eligibility criteria in this subsection (3) instead of rules, policies, or guidelines when evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3), the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this chapter;

(ii) The application demonstrates a need for state planning funds to accomplish the objectives of the planning process; and

(iii) The application and supporting information evidences a readiness to proceed.

(c) In ranking grant applications submitted at each stage of the grants program, the department shall give preference to applications in the following order of priority:

(i) Applications from existing planning groups that have been in existence for at least one year;

(ii) Applications that address protection and enhancement of fish habitat in watersheds that have aquatic fish species listed or proposed to be listed as endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning;

(iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning.

(d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.

(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.

(5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.

(6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

**Sec. 3.** RCW 90.82.130 and 2001 c 237 s 4 are each amended to read as follows:

(1)(a) Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit.

(b) If the proposal is approved by the planning unit, the unit shall submit the proposal to the counties with territory within the management area. If the planning unit has received funding beyond the initial organizing grant under RCW 90.82.040, such a proposal approved by the planning unit shall be submitted to the counties within four years of the date that funds beyond the initial funding are first drawn upon by the planning unit.

(c) If the watershed plan is not approved by the planning unit, the planning unit may submit the components of the plan for which agreement is achieved using the procedure under (a) of this subsection, or the planning unit may terminate the planning process.

(2)(a) With the exception of a county legislative authority that chooses to opt out of watershed planning as provided in (c) of this subsection, the legislative authority of each of the counties with territory in the management area shall provide public notice of and conduct at least one public hearing on the proposed watershed plan submitted under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the proposal. The counties may approve or reject the proposed watershed plan for the management area, but may not amend it. Approval of such a proposal shall be made by a majority vote of the members of each of the counties with territory in the management area.

(b) If a proposed watershed plan is not approved, it shall be returned to the planning unit with recommendations for revisions. Approval of such a revised proposal by the planning unit and the counties shall be made in the same manner provided for the original watershed plan. If approval of the revised plan is not achieved, the process shall terminate.

(c) A legislative authority of a county with less than five percent of affected territory within a particular management area may choose to opt out of watershed planning under this chapter and the public hearing processes under (a) and (b) of this subsection, with regard to that legislative authority's affected territory within a particular management area. A county choosing to opt out shall notify the department and the other initiating governments of that choice prior to commencement of plan adoption under the provisions of (a) of this subsection. A county choosing to opt out shall not be bound by obligations contained in the watershed plan adopted for that management area under this chapter. Even if a county chooses to opt out as provided in this section, the other counties within a management area may adopt a proposed watershed plan as provided in this chapter.

(3) The planning unit shall not add an element to its watershed plan that creates an obligation unless each of the governments to be obligated has at least one representative on the planning unit and the respective members appointed to represent those governments agree to adding the element that creates the obligation. A member's agreeing to add an element shall be evidenced by a recorded vote of all members of the planning unit in which the members record support for adding the element. If the watershed plan is approved under subsections (1) and (2) of this section and the plan creates obligations: (a) For agencies of state government, the agencies shall adopt by policy, procedures, agreements, or rules the obligations of both state and county governments and procedures or rules implementing the state obligations, the obligations on state agencies are binding upon adoption of the obligations (~~into rule~~), and the agencies shall take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; (~~or~~) (b) for counties, the obligations are binding on the counties and the counties shall adopt any necessary implementing ordinances and take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; or (c) for an organization voluntarily accepting an obligation, the organization must adopt policies, procedures, agreements, rules, or ordinances to implement the plan, and should annually review implementation needs with respect to budget and staffing.

(4) As used in this section, "obligation" means any action required as a result of this chapter that imposes upon a tribal government, county government, or state government, either: A fiscal impact; a redeployment of resources; or a change of existing policy.

(5) After a plan is approved under subsection (2)(a) of this section and if the department participated in the planning process, the department shall rely on such a plan as the framework for making water resource and water quality decisions in the watershed. The department shall also rely upon the plan as a primary consideration in determining the public interest related to those decisions.

(6) Once a plan is approved under subsection (2)(a) of this section, the department may adopt rules under RCW 90.54.040(1) to modify the plan through a negotiated rule-making process under RCW 34.05.310(2)(a) and shall adopt rules implementing its obligations imposed by the plan or modified plan through such a negotiated rule-making process. The department may not modify the plan in any other manner or under any other authority. The entities to be included in the negotiated rule making as affected interests must include, but are not limited to: Water right holders and other affected residents in a watershed or watersheds; and, to the greatest extent practicable, the members of the original planning unit for the watershed or watersheds.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.82 RCW to read as follows:

(1) Upon approval of the watershed plan, the role of the planning unit is to provide coordination and oversight during the implementation of the plan. This may include a number of interrelated activities, such as seeking funding; tracking progress towards implementation milestones; making adjustments to respond to new information and changing conditions; coordinating the many implementation actions being performed by different organizations in the watershed; and responding to local needs and concerns as expressed by elected officials, stakeholders, and the public. Supporting activities also include public outreach and education; long-term monitoring activities and associated research; data management; and program evaluation.

(2) Within one year of accepting funding for plan coordination and oversight, the planning unit must complete a detailed implementation plan. An implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; specific funding mechanisms; timelines for carrying out the actions included in the plan; and an adaptive management strategy for plan amendments. The implementation plan must include coordination of salmon recovery projects with lead entities working under chapter 246, Laws of 1998. Submittal of a detailed implementation plan to the department is a condition for receiving grants for the second and all subsequent years of the phase four grant.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.82 RCW to read as follows:

(1) Each plan developed under this chapter must contain strategies for achieving the following water resource objectives:

- (a) Providing sufficient water for productive agriculture;
- (b) Providing sufficient water for commercial, industrial, and residential use; and
- (c) Providing sufficient water for instream flows.

(2) Such a plan must include timelines for achieving these three objectives and interim milestones for measuring progress in achieving the objectives. Such a plan must also identify the state and local administrative approvals and permits that must be secured to achieve these objectives.

(3) The strategies developed under this chapter to satisfy these objectives must include, but are not limited to, the identification of:

- (a) How the objectives are to be achieved;
- (b) Timelines for achieving these objectives;
- (c) How progress is to be measured for achieving the objectives and interim milestones for measuring that progress;

(d) How any limiting factors regarding stream flows or water supply that have been identified for salmon in analyses under RCW 77.85.060 are to be overcome;

(e) How progress in overcoming these limiting factors is to be measured and interim milestones for measuring that progress; and

(f) How the strategies developed under this section are to be coordinated with the activities and habitat project lists of lead entities and committees conducted and developed under RCW 77.85.050.

**Sec. 6.** RCW 90.82.060 and 2001 c 229 s 1 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: (a) All counties within the WRIA; (b) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants under RCW 90.82.130 for developing and for implementation coordination and oversight of a watershed plan.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.82 RCW to read as follows:

The department and all other state agencies, acting within the authorities, restrictions, and responsibilities of the statutes they administer and available resources, shall act on the approvals and permits needed to implement any plan approved under this chapter. In instances where granting particular approvals or permits is not consistent with those authorities and responsibilities, the agencies or divisions within the department shall identify to the director the changes in statute that would allow them to grant the approvals and permits. By December 31, 2003, and by December 31st of each year thereafter, the director of the department shall report to the appropriate standing committees of the legislature and to the governor on the statutory changes that would be necessary to provide the state agency approvals and permits identified under this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.54 RCW to read as follows:

(1) When a comprehensive water resource program is developed in segments under RCW 90.54.040(1), the watershed planning shall be conducted through local planning groups that represent at least the diversity of interests required for planning conducted under chapter 90.82 RCW. Any plan developed under this section shall include, but is not limited to, the water supply and use assessment and strategies for future use required for planning conducted under chapter 90.82 RCW by RCW 90.82.070 and the following:

(a) Strategies for achieving the water resource objectives listed in section 5(1) of this act;

(b) Timelines for achieving each of the objectives listed in section 5(2) of this act and interim milestones for measuring progress in achieving the objectives; and

(c) An identification of the state and local administrative approvals and permits that must be secured to achieve the objectives listed in section 5(3) of this act.

The department and all other state agencies, acting within the authorities, restrictions, and responsibilities of the statutes they administer and available resources, shall act on the approvals and permits needed to implement any plan approved under this section. In instances where granting particular approvals or permits is not consistent with those authorities and responsibilities, the agencies or divisions within the department shall identify to the director the changes in statute that would allow them to grant the approvals and permits.

(2) The director shall include within the report required by section 7 of this act the director's recommendations for changes in statutes from those identified under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.54 RCW to read as follows:

Instream flow requirements must be established for not less than the main stem of the principal stream or river in each water resource inventory area established in chapter 173-500 WAC as it exists on the effective date of this section.

## COORDINATING WATERSHED, WATER QUALITY, AND SALMON RECOVERY PLANNING

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.48 RCW to read as follows:

This section applies to any work conducted by the department for determining or allocating total maximum daily loads for approval by the United States environmental protection agency under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The department shall design its work schedule and plan for conducting such activities in a manner that facilitates the involvement of watershed planning units conducting planning under RCW 90.82.090. As a minimum, the department shall:

(1) Schedule its work so that the involvement of planning units under subsection (3) of this section is possible under the work schedules established or likely to be established for the units to implement RCW 90.82.090;

(2) Arrange its longer-term work schedule in a way that allows initiating governments to know that their choice to require a water quality component under RCW 90.82.090 or to initiate planning under RCW 90.82.060(7) would include the involvement of their planning unit under subsection (3) of this section; and

(3) Designate the planning units conducting planning under RCW 90.82.090 as the local advisory bodies to be used, consistent with section 11 of this act, when the department conducts total maximum daily load activities in any portion of the area for which the unit is conducting such planning. This requirement does not apply to activities regarding an allocation of total maximum daily load for a body of water if the allocation is submitted by the department to the United States environmental protection agency for approval under the federal clean water act before or within six months of the effective date of this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.82 RCW to read as follows:

A planning unit conducting planning under RCW 90.82.090 may choose to assign the responsibility of being the local advisory body for total maximum daily load activities under section 10 of this act to: The members of the planning unit, as a whole, except those representing state agencies; some portion of the membership of the planning unit, other than the members representing state agencies; or any combination it may choose of its membership, other than state agency representatives, and any additional individuals it may choose who agree to participate.

**Sec. 12.** RCW 90.82.090 and 1998 c 247 s 5 are each amended to read as follows:

If the initiating governments choose to include a water quality component, the watershed plan shall include the following elements:

(1) An examination based on existing studies conducted by federal, state, and local agencies of the degree to which legally established water quality standards are being met in the management area;

(2) An examination based on existing studies conducted by federal, state, and local agencies of the causes of water quality violations in the management area, including an examination of information regarding pollutants, point and nonpoint sources of pollution, and pollution-carrying capacities of water bodies in the management area. The analysis shall take into account seasonal stream flow or level variations, natural events, and pollution from natural sources that occurs independent of human activities;

(3) An examination of the legally established characteristic uses of each of the nonmarine bodies of water in the management area;

(4) An examination of any total maximum daily load established for nonmarine bodies of water in the management area (~~unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060~~);

(5) An examination of existing data related to the impact of fresh water on marine water quality;

(6) A recommended approach for implementing the total maximum daily load established for achieving compliance with water quality standards for the nonmarine bodies of water in the management area (~~unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060~~); and

(7) Recommended means of monitoring by appropriate government agencies whether actions taken to implement the approach to bring about improvements in water quality are sufficient to achieve compliance with water quality standards.

This chapter does not obligate the state to undertake analysis or to develop strategies required under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). This chapter does not authorize any planning unit, lead agency, or local government to adopt water quality standards or total maximum daily loads under the federal clean water act.

**Sec. 13.** RCW 90.82.120 and 1998 c 247 s 8 are each amended to read as follows:

(1) Watershed planning developed and approved under this chapter shall not contain provisions that: (a) Are in conflict with existing state statutes, federal laws, or tribal treaty rights; (b) impair or diminish in any manner an existing water right evidenced by a claim filed in the water rights claims registry established under chapter 90.14 RCW or a water right certificate or permit; (c) require a modification in the basic operations of a federal reclamation project with a water right the priority date of which is before June 11, 1998, or alter in any

manner whatsoever the quantity of water available under the water right for the reclamation project, whether the project has or has not been completed before June 11, 1998; (d) affect or interfere with an ongoing general adjudication of water rights; (e) modify or require the modification of any waste discharge permit issued under chapter 90.48 RCW; (f) except as provided in RCW 77.85.050(1)(c), modify or require the modification of activities or actions taken or intended to be taken under a habitat restoration work schedule developed under chapter 246, Laws of 1998; or (g) modify or require the modification of activities or actions taken to protect or enhance fish habitat if the activities or actions are: (i) Part of an approved habitat conservation plan and an incidental take permit, an incidental take statement, a management or recovery plan, or other cooperative or conservation agreement entered into with a federal or state fish and wildlife protection agency under its statutory authority for fish and wildlife protection that addresses the affected habitat; or (ii) part of a water quality program adopted by an irrigation district under chapter 87.03 RCW or a board of joint control under chapter 87.80 RCW. This subsection (1)(g) applies as long as the activities or actions continue to be taken in accordance with the plan, agreement, permit, or statement. Any assessment conducted under RCW 90.82.070, 90.82.090, or 90.82.100 shall take into consideration such activities and actions and those taken under the forest practices rules, including watershed analysis adopted under the forest practices act, chapter 76.09 RCW.

(2) Watershed planning developed and approved under this chapter shall not change existing local ordinances or existing state rules or permits, but may contain recommendations for changing such ordinances or rules.

(3) Notwithstanding any other provision of this chapter, watershed planning shall take into account forest practices rules under the forest practices act, chapter 76.09 RCW, and shall not create any obligations or restrictions on forest practices additional to or inconsistent with the forest practices act and its implementing rules, whether watershed planning is approved by the counties or the department.

**Sec. 14.** RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat. The technical review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. In any WRIA for which watershed planning is being conducted by a planning unit under RCW 90.82.100, the committee and the lead entity shall share their information regarding the WRIA with the planning unit, and the committee and the lead entity shall consult with the planning unit in preparing and in adding activities to the habitat project list for that WRIA. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the technical review team in accordance with procedures adopted by the board.

**Sec. 15.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding. After January 1, 2004, the board shall not provide funding for any project in a WRIA for which planning is being conducted under RCW 90.82.100 unless the lead entity as well as the planning unit for the WRIA under chapter 90.82 RCW both document that the consultation required by RCW 77.85.050(1)(c) has been conducted for the project.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 77.85.060, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 77.85.050, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(8) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(9) The board may condition a grant or loan to include the requirement that property may only be transferred to a federal agency if the agency that will acquire the property agrees to comply with all terms of the grant or loan to which the project sponsor was obligated. Property acquired or improved by a project sponsor may be conveyed to a federal agency, but only if the agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated.

**NEW SECTION. Sec. 16.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing funds.

**NEW SECTION. Sec. 17.** Headings used in this act are not any part of the law."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Referred to Committee on Appropriations.



April 4, 2003

SSB 5028 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Clarifying the state's authority to regulate water pollution. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

In exercising authority according to this chapter, the department may only affect the beneficial use of a water right as provided in this section.

(1) Before applying authority according to this chapter to address a water quality problem caused by the unauthorized use of water, the department shall first establish that the use of water is not authorized according to chapter 90.03, 90.14, 90.40, or 90.44 RCW. The department shall establish that the use of water is unauthorized through the issuance of a formal action that is not appealed or is affirmed on appeal. When the use of water is established as unauthorized, the department may use authority under this chapter to address water quality problems resulting from the unauthorized water use.

(2) When issuing water quality certifications according to section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341), the department may condition federal hydropower licenses to ensure that the state's water quality standards are met and that adequate streamflows are maintained.

Sec. 2. RCW 90.03.600 and 1995 c 403 s 635 are each amended to read as follows:

The department must follow the sequence of enforcement actions, including levying a civil penalty, as provided in RCW 90.03.605. In determining the amount of penalty to be levied, the department shall consider the seriousness of the violation, whether the violation is repeated or continuous after notice is given of the violation, and whether any damage has occurred to the health or property of other persons. Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, ((the power is granted to)) the department of ecology ((to)) may levy civil penalties ((of up to)) ranging from one hundred dollars to ten thousand dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler; Hunt; McDermott and Orcutt.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5039 Prime Sponsor, Senate Committee On Health & Long-Term Care: Concerning hepatitis C. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) The secretary of health shall design a state plan for the prevention, education, and treatment of hepatitis C by January 1, 2004. In developing the plan, the secretary shall seek the input of:

- (a) The public;
- (b) Patient groups and organizations;
- (c) Relevant state agencies that have functions that involve hepatitis C or provide services to persons with hepatitis C;
- (d) Local health departments;

- (e) Public health and clinical laboratories;
- (f) Providers of services to persons with hepatitis C;
- (g) Research scientists;
- (h) The University of Washington;
- (i) Representatives from the pharmaceutical industry; and
- (j) The Washington state medical association.

(2) The plan shall include implementation recommendations in the following areas:

(a) Hepatitis C virus prevention and treatment strategies for groups at risk for hepatitis C with an emphasis towards those groups that are disproportionately affected by hepatitis C, including persons infected with HIV, veterans, racial or ethnic minorities that suffer a higher incidence of hepatitis C, and persons who engage in high-risk behavior, such as intravenous drug use;

(b) Educational programs to promote public awareness about bloodborne infections and knowledge about risk factors, the value of early detection, screening, services, and available treatment options for hepatitis C;

(c) Education curricula for appropriate health and health-related providers covered by the uniform disciplinary act, chapter 18.130 RCW;

(d) Training courses for persons providing hepatitis C counseling, public health clinic staff, and any other appropriate provider, which shall focus on disease prevention, early detection, and intervention;

(e) Capacity for voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under chapter 70.24 RCW;

(f) A comprehensive model for the prevention and management of hepatitis C; and

(g) Sources and availability of funding to implement the plan.

(3) The secretary of health shall submit the completed state plan to the legislature by January 1, 2004.

After the initial state plan is submitted, the department shall update the state plan biennially and shall submit a progress report on the implementation of the plan to the governor and make it available to other interested parties. The update and progress reports are due December 1, 2004, and every two years thereafter.

(4) The state plan developed pursuant to this section shall be developed using only available federal and private sources, including grants.

(5) This section expires June 30, 2007.

**Sec. 2.** RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

**Sec. 3.** RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV or hepatitis C infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a disabled person.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV or actual hepatitis C infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter(⌘):

(a) "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient; and

(b) "Hepatitis C" means the hepatitis C virus of any genotype.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment.

**NEW SECTION. Sec. 5.** Section 1 of this act does not create a private right of action."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

April 2, 2003

**SB 5042** Prime Sponsor, Senator T. Sheldon: Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 1, line 6, before "The" insert "(1)"

On page 1, line 11, after "law." strike "Subject" and insert the following:  
"(2)(a) Except as provided in (b) of this subsection, and subject"

On page 1, after line 14, insert the following:

"(b) When executing a right of way or easement contract over private land that involves forest management activities, the department shall indemnify the private landowner if the landowner does not receive a direct benefit from the contract."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

April 3, 2003

**SSB 5051** Prime Sponsor, Senate Committee On Commerce & Trade: Removing the sale of strong beer from the exclusive jurisdiction of the liquor control board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.244 and 1998 c 126 s 3 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a

distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) The board may issue an endorsement to this license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

(4) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated either as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

**Sec. 2.** RCW 66.24.250 and 1997 c 321 s 13 are each amended to read as follows:

There shall be a license for beer distributors to sell beer and strong beer, purchased from licensed Washington breweries, beer certificate of approval holders (B5), licensed beer importers, or suppliers of foreign beer located outside the state of Washington, to licensed beer retailers and other beer distributors and to export same from the state of Washington; fee six hundred sixty dollars per year for each distributing unit.

**Sec. 3.** RCW 66.24.261 and 1997 c 321 s 14 are each amended to read as follows:

There shall be a license for beer importers that authorizes the licensee to import beer and strong beer manufactured within the United States by certificate of approval holders (B5) into the state of Washington. The licensee may also import beer and strong beer manufactured outside the United States.

(1) Beer and strong beer so imported may be sold to licensed beer distributors or exported from the state.

(2) Every person, firm, or corporation licensed as a beer importer shall establish and maintain a principal office within the state at which shall be kept proper records of all beer and strong beer imported into the state under this license.

(3) No beer importer's license shall be granted to a nonresident of the state nor to a corporation whose principal place of business is outside the state until such applicant has established a principal office and agent within the state upon which service can be made.

(4) As a requirement for license approval, a beer importer shall enter into a written agreement with the board to furnish on or before the twentieth day of each month, a report under oath, detailing the quantity of beer and strong beer sold or delivered to each licensed beer distributor. Failure to file such reports may result in the suspension or cancellation of this license.

(5) Beer and strong beer imported under this license must conform to the provisions of RCW 66.28.120 and have received label approval from the board. The board shall not certify beer or strong beer labeled with names which may be confused with other nonalcoholic beverages whether manufactured or produced from a domestic brewery or imported nor shall it certify beer or strong beer which fails to meet quality standards established by the board.

(6) The license fee shall be one hundred sixty dollars per year.

**Sec. 4.** RCW 66.24.270 and 1997 c 321 s 15 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors or strong beer within the state of Washington, shall, on or before the twentieth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors and strong beer sold for resale during the preceding calendar month to each beer distributor within the state of Washington.

(2) A United States brewery or manufacturer of beer or strong beer, located outside the state of Washington, must hold a certificate of approval (B5) to allow sales and shipment of the certificate of approval holder's beer or strong beer to licensed Washington beer distributors or importers. The certificate of approval shall not be granted unless and until such brewer or manufacturer of beer or strong beer shall have made a written agreement with the board to furnish to the board, on or before the twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer and strong beer sold or delivered to each licensed beer distributor or importer during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of beer or strong beer and all general sales corporations or agencies maintained by them, and all of their trade representatives, corporations, and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. A violation of the terms of this agreement will cause the board to take action to suspend or revoke such certificate.

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be one hundred dollars per year, which sum shall accompany the application for such certificate.

**Sec. 5.** RCW 66.24.290 and 1999 c 281 s 14 are each amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer and strong beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations,

and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer and strong beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer, including strong beer, shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer and strong beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer and strong beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer and strong beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer and strong beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

~~((7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.))~~

**Sec. 6.** RCW 66.24.320 and 1998 c 126 s 4 are each amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine that was purchased for consumption with a meal.

(1) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(2) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at special occasion locations at a specified date and place not currently licensed by the board. The privilege of selling and serving liquor under the endorsement is limited to members and guests of a society or organization as defined in RCW 66.24.375. Cost of the endorsement is three hundred fifty dollars.

(a) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(b) If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, the requirement that the society or organization be within the definition of RCW 66.24.375 is waived.

**Sec. 7.** RCW 66.24.330 and 1997 c 321 s 19 are each amended to read as follows:

There shall be a beer and wine retailer's license to be designated as a tavern license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. Such licenses may be issued only to a person operating a tavern that may be frequented only by persons twenty-one years of age and older.

The annual fee for such license shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license. Licensees who have a fee increase of more than one hundred dollars as a result of this change shall have their fees increased fifty percent of the amount the first renewal year and the remaining amount beginning with the second renewal period. New licensees obtaining a license after July 1, 1998, shall pay the full amount of four hundred dollars.

**Sec. 8.** RCW 66.24.360 and 1997 c 321 s 22 are each amended to read as follows:

There shall be a beer and/or wine retailer's license to be designated as a grocery store license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store other than the state liquor stores.

(1) Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid.

(2) The annual fee for the grocery store license is one hundred fifty dollars for each store.

(3) The board shall issue a restricted grocery store license authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a grocery store license must maintain a minimum three thousand dollar inventory of food products for human consumption, not including pop, beer, strong beer, or wine.

(5) Upon approval by the board, the grocery store licensee may also receive an endorsement to permit the international export of beer, strong beer, and wine.

(a) Any beer, strong beer, or wine sold under this endorsement must have been purchased from a licensed beer or wine distributor licensed to do business within the state of Washington.

(b) Any beer, strong beer, and wine sold under this endorsement must be intended for consumption outside the state of Washington and the United States and appropriate records must be maintained by the licensee.

(c) A holder of this special endorsement to the grocery store license shall be considered not in violation of RCW 66.28.010.

(d) Any beer, strong beer, or wine sold under this license must be sold at a price no less than the acquisition price paid by the holder of the license.

(e) The annual cost of this endorsement is five hundred dollars and is in addition to the license fees paid by the licensee for a grocery store license.

**Sec. 9.** RCW 66.24.371 and 1997 c 321 s 23 are each amended to read as follows:

(1) There shall be a beer and/or wine retailer's license to be designated as a beer and/or wine specialty shop license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store other than the state liquor stores. Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid. The annual fee for the beer and/or wine specialty shop license is one hundred dollars for each store.

(2) Licensees under this section may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion. Sampling activities of licensees under this section are subject to RCW 66.28.010 and 66.28.040 and the cost of sampling under this section may not be borne, directly or indirectly, by any manufacturer, importer, or distributor of liquor.

(3) The board shall issue a restricted beer and/or wine specialty shop license, authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a beer and/or wine specialty shop license must maintain a minimum three thousand dollar wholesale inventory of beer, strong beer, and/or wine.

**Sec. 10.** RCW 66.24.452 and 2001 c 199 s 2 are each amended to read as follows:

(1) There shall be a beer and wine license to be issued to a private club for sale of beer, strong beer, and wine for on-premises consumption.

(2) Beer, strong beer, and wine sold by the licensee may be on tap or by open bottles or cans.

(3) The fee for the private club beer and wine license is one hundred eighty dollars per year.

(4) The board may issue an endorsement to the private club beer and wine license that allows the holder of a private club beer and wine license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits, strong beer, and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this (~~chapter (section)~~) section is one hundred twenty dollars.

**Sec. 11.** RCW 82.08.150 and 1998 c 126 s 16 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits(~~(, or strong beer)~~) in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits(~~(, or strong beer)~~) in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to spirits, beer, and wine restaurant licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to spirits, beer, and wine restaurant licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits (~~(or strong beer)~~) in the original package.

(8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(9) As used in this section, the terms, "spirits(~~(,"strong beer,)~~)" and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

**NEW SECTION. Sec. 12.** The liquor control board shall report to the legislature by December 1, 2004, on the impacts of strong beer sales.

**NEW SECTION. Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Signed by Representatives Conway, Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Wood, Vice Chairman; Hudgins.

Passed to Committee on Rules for second reading.

April 2, 2003

**SB 5065** Prime Sponsor, Senator Swecker: Modifying when a geologist license may be obtained without a written exam. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 4, after line 20, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 18.220 RCW to read as follows:

(1) This chapter permits the state, any state agency or any political subdivision of the state, or a county, city, or other public body to use the services of either a soil scientist engaging in the practice of soil science, as defined in subsection (2) of this section, or a licensed geologist or licensed specialty geologist engaging in the practice of geology, as defined in RCW 18.220.010, to perform work that is within the scope of practice of both professions.

(2) For the purpose of this section, "practice of soil science" means the performance of or offer to perform soil science work including, but not limited to, the investigation, evaluation, planning, management, classification, and mapping of soil and the interpretation of soil behavior, including surface erosion, and the inspection and responsible charge of such work.

(3) This section expires July 1, 2005."

Re-number the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

April 4, 2003

**ESB 5073** Prime Sponsor, Senator Fraser: Adopting provisions for cooperative watershed management plans. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 2, line 25, after "authorize" strike "up to ten percent of"

On page 2, beginning on line 29, strike "Such limitation on expenditures shall not apply to additional revenues for watershed plan implementation that are authorized by voter approval under section 5 of this act."

On page 5, line 23, after "activity." insert "The revenue proposal shall include provisions to ensure that persons or parcels within the watershed plan area will not be taxed or assessed by more than one public agency for a specific watershed management plan project, program, or activity."



Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 4, 2003

ESB 5106 Prime Sponsor, Senator Hewitt: Concerning the annual consumptive quantity of a water right. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted or withdrawn pursuant to the water right, reduced by the estimated annual amount of return flows, ~~((averaged over the two years of greatest use within the most recent five year period of continuous beneficial use of the water right))~~ in the year in which the largest volume of water was diverted or withdrawn for beneficial use under the right during the five years immediately preceding the date the holder of the water right applies for a change of the right to enable such an irrigation of additional acreage or such an addition of new uses or, if the water right has been held by the water right holder for less than five years on such date, in the year in which the largest volume of water was diverted or withdrawn for beneficial use under the right during the time the right has been held by the water right holder. When an application for a change of a right to enable such an irrigation of additional acreage or such an addition of new uses is considered by the department, the department must determine the ownership of the entire right but is to evaluate only the portion of the right directly involved in the proposal to irrigate the additional acreage or to add the new uses in determining whether to approve or disapprove the change.

(2) Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

~~((2))~~ (3) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

~~((3))~~ (4) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

~~((4))~~ (5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

~~((5))~~ (6)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection ~~((5))~~ (6)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection ~~((5))~~ (6) is intended to stop the processing of applications for new water rights.

~~((6))~~ (7) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

~~((7))~~ (8) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(9) Notwithstanding any other provision of this section or RCW 90.44.100, a water right to use surface or ground water that has been applied to any beneficial use within the general category of an agricultural use may be changed to another agricultural use, within the other limitations of the water right, under the following conditions:

(a) A change in the type of crop irrigated under an agricultural irrigation water right may be made without providing notice to the department and does not constitute a change in the purpose of use of the right;

(b) A change from one agricultural use to another agricultural use that does not involve a change in the season of use of the water may be made after notification to, but without the approval of, the department;

(c) A change from one agricultural use to another agricultural use that involves a change in the season of use of water may be made after providing notice and opportunity for review to the department as described in this subsection. For these changes, the water right holder shall give written notice to the department that includes information describing the proposed change and providing evidence of beneficial use of the right. The water right holder may proceed with the change unless the department notifies the water right holder within forty-five calendar days that the proposed change raises concerns regarding potential impairment to other water rights. The director may extend the forty-five day period by an additional thirty calendar days if notice is provided to the water right holder within the forty-five day period. The department shall operate under a rebuttable presumption of no impairment of other water rights if the season of use is proposed to be changed from a period that is more critical for other water rights and streamflows to a period that is less critical. If the department determines that the proposed change raises concerns regarding potential impairment to other water rights, the proposed change may not proceed under this subsection (9);

(d) The department's determination under (c) of this subsection is not appealable. For a change that is not allowed under (c) of this subsection, the water right holder may subsequently apply for a change in right under subsection (1) of this section, RCW 90.03.390, or 90.44.100, in which case the department shall make a full and normal determination and render an appealable decision under those statutes. In making such a decision, the department is not bound by its earlier determination and the earlier determination may not result in a presumption of impairment of any water right; and

(e) The general category of an agricultural use of water under this subsection (9) is composed of, but not limited to, the beneficial uses of water for agricultural irrigation; frost protection; watering livestock; processing agricultural commodities; dust suppression; cleaning of agricultural animals, equipment, and facilities; and confined animal feeding operations with applicable land use and water quality permits.

**Sec. 2.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided(~~(- EXCEPT, HOWEVER, That)~~).

(2) Each of the following uses of public ground water is exempt from the permit requirements of subsection (1) of this section to the extent that the water is regularly used beneficially, and the right to use the water shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter:

(a) Any withdrawal of public ground waters (~~(for stock watering purposes, or)~~) for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area(~~(-or)~~); and

(b) Except as provided in subsection (4) of this section, any withdrawal of public ground waters in an amount not exceeding five thousand gallons a day for:

(i) Single or group domestic uses ~~((in an amount not exceeding five thousand gallons a day, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That))~~;

(ii) Stock watering purposes; or

(iii) An industrial purpose.

(3) However, the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal ~~((: PROVIDED, FURTHER, That))~~. At the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as ~~((is))~~ provided in this chapter ~~((provided))~~ in the case of withdrawals in excess of five thousand gallons a day.

(4) Any withdrawal of water for stock watering purposes begun before the effective date of this section is exempt from the permit requirements of subsection (1) of this section to the maximum extent that water was withdrawn for those purposes under the right prior to the effective date of this section. Beginning on the effective date of this section, such a withdrawal begun before the effective date of this section continues to be exempt from the permit requirements of subsection (1) of this section for that maximum extent.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler; Hunt; Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5117 Prime Sponsor, Senate Committee On Highways & Transportation: Regulating the sale, distribution, and installation of air bags. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Armstrong and Mielke.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5120 Prime Sponsor, Senate Committee On Judiciary: Changing provisions relating to ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.720 and 2001 c 247 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use,

consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

(2) ~~((If a))~~ (a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and it is:

~~((a))~~ (i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration; ~~((or (b)))~~

(ii) The person's second or subsequent conviction; or ~~((c))~~

(iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction~~((the court shall order that after any applicable period of suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device. The requirement to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device may not be suspended)).~~

(b) ~~The ((court))~~ department may waive the requirement for the use of such a device if ~~((the court makes a specific finding in writing))~~ it concludes that such devices are not reasonably available in the local area. Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.

(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section, the ignition interlock or other biological or technical device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more, and the period of time of the restriction will be as follows:

(a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW~~((;))~~; and (ii) who has not previously been restricted under this section, a period of ~~((not less than))~~ one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of ~~((not less than))~~ five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ~~((not less than))~~ ten years.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

**Sec. 2.** RCW 46.20.311 and 2001 c 325 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law. Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person seeking reinstatement. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or

46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person applying for a new license.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars."

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5133 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Adopting the revised interstate compact for juveniles. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 15, line 10, after "compact." insert "The governor shall designate the compact administrator from a list of six individuals, three of whom are recommended by the Washington association of juvenile court administrators and three of whom are recommended by the juvenile rehabilitation administration of the department of social and health services."

On page 15, beginning on line 11, after "governor" strike all material through "section" on line 13

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer; Hinkle and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

April 4, 2003

E2SSB 5135 Prime Sponsor, Senate Committee On Ways & Means: Creating tuition surcharges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each four-year institution of higher education and the state board for community and technical colleges shall develop policies that ensure undergraduate students enrolled in degree or certificate programs complete their programs in a timely manner in order to make the most efficient use of instructional resources and provide capacity within the institution for additional students.

(2) Policies adopted under this section shall address, but not be limited to, undergraduate students in the following circumstances:

(a) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete their respective baccalaureate or associate degree or certificate programs;

(b) Students who drop more than twenty-five percent of their course load before the grading period for the quarter or semester, which prevents efficient use of instructional resources; and

(c) Students who remain on academic probation for more than one quarter or semester.

(3) Policies adopted under this section may include assessment by the institution of a surcharge in addition to regular tuition and fees to be paid by a student for continued enrollment.

**NEW SECTION. Sec. 2.** (1) Each public four-year institution of higher education and the state board for community and technical colleges shall report to the higher education coordinating board by January 30, 2004, on the policies developed under section 1 of this act. The report shall include baseline data on the number and characteristics of students affected by the policies. If the policies were adopted before the effective date of this section, the report shall describe the impact of the policies.

(2) In the report, each four-year institution shall also describe policies developed and actions taken by the institution to eliminate barriers to timely completion of degree programs, including reducing the occasions where students cannot enroll in courses needed for their major due to overenrollment. The state board may select a sample of colleges to describe policies and actions to address course scheduling issues.

(3) The higher education coordinating board shall summarize the reports from the institutions and the state board and make a report to the higher education committees of the legislature by March 1, 2004. The report prepared by the higher education coordinating board shall include recommendations for additional legislative action, including whether increased tuition and fees should be uniformly charged to students as an additional incentive for timely completion of degree and certificate programs."

Correct the title.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives Morrell.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5144 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Protecting forest land from exotic forest insects or diseases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 76.06.010 and 1951 c 233 s 1 are each amended to read as follows:

The legislature finds and declares that:

(1) Forest insects and forest tree diseases which threaten the permanent timber production of the forested areas of the state of Washington are ((hereby declared to be)) a public nuisance.

(2) Exotic forest insects or diseases, even in small numbers, can constitute serious threats to native forests. Native tree species may lack natural immunity. There are often no natural control agents such as diseases, predators, or parasites to limit populations of exotic forest insects or diseases. Exotic forest insects or diseases can also outcompete, displace, or destroy habitat of native species. It is in the public interest to identify, control, and eradicate outbreaks of exotic forest insects or diseases that threaten the diversity, abundance, and survivability of native forest trees and the environment.

**Sec. 2.** RCW 76.06.020 and 2000 c 11 s 2 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this chapter(=) unless the context clearly requires otherwise.

(1) "Agent" means the recognized legal representative, representatives, agent, or agents for any owner(=).

(2) "Department" means the department of natural resources(=).

(3) "Owner" means and includes ~~((individuals, partnerships, corporations, and associations;))~~ persons or their agents.

(4) "Timber land" means any land on which there is a sufficient number of trees, standing or down, to constitute, in the judgment of the department, a forest insect or forest disease breeding ground of a nature to constitute a menace, injurious and dangerous to permanent forest growth in the district under consideration.

(5) "Commissioner" means the commissioner of public lands.

(6) "Exotic" means not native to forest lands in Washington state.

(7) "Forest land" means any land on which there are sufficient numbers and distribution of trees and associated species to, in the judgment of the department, contribute to the spread of forest insect or forest disease outbreaks that could be injurious to forest health.

(8) "Forest health" means the condition of a forest being sound in ecological function, sustainable, resilient, and resistant to insects, diseases, fire, and other disturbance, and having the capacity to meet landowner objectives.

(9) "Forest health emergency" means the introduction of, or an outbreak of, an exotic forest insect or disease that poses an imminent danger of damage to the environment by threatening the survivability of native tree species.

(10) "Forest insect or disease" means a living stage of an insect, other invertebrate animal, or disease-causing organism or agent that can directly or indirectly injure or cause disease or damage in trees, or parts of trees, or in processed or manufactured wood, or other products of trees.

(11) "Integrated pest management" means a strategy that uses various combinations of pest control methods, including biological, cultural, and chemical methods, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(12) "Native" means having populated Washington's forested lands prior to European settlement.

(13) "Outbreak" means a rapidly expanding population of insects or diseases with potential to spread.

(14) "Person" means any individual, partnership, private, public, or municipal corporation, county, federal, state, or local governmental agency, tribes, or association of individuals of whatever nature.

**NEW SECTION. Sec. 3.** A new section is added to chapter 76.06 RCW to read as follows:

The department is authorized to contribute resources and expertise to assist the department of agriculture in control or eradication efforts authorized under chapter 17.24 RCW in order to protect forest lands of the state.

If either the department of agriculture has not taken action under chapter 17.24 RCW or the commissioner finds that additional efforts are required to control or prevent an outbreak of an exotic forest insect or disease which has not become so habituated that it can no longer be eradicated and that poses an imminent danger of damage to the forested environment by threatening the diversity, abundance, and survivability of native tree species, or both, the commissioner may declare a forest health emergency.

Upon declaration of a forest health emergency, the department must delineate the area at risk and determine the most appropriate integrated pest management methods to control the outbreak, in consultation with other interested agencies, affected tribes, and affected forest landowners. The department must notify affected forest landowners of its intent to conduct control operations.

Upon declaration of a forest health emergency by the commissioner, the department is authorized to enter into agreements with forest landowners, companies, individuals, tribal entities, and federal, state, and local agencies to accomplish control of exotic forest insects or diseases on any affected forest lands using such funds as have been, or may be, made available.

The department must proceed with the control of the exotic forest insects or diseases on affected nonfederal and nontribal forest lands with or without the cooperation of the owner. The department may reimburse cooperating forest landowners and agencies for actual cost of equipment, labor, and materials utilized in cooperative exotic forest insect or disease control projects, as agreed to by the department.

A forest health emergency no longer exists when the department finds that the exotic forest insect or disease has been controlled or eradicated, that the imminent threat no longer exists, or that there is no longer good likelihood of effective control.

Nothing under this chapter diminishes the authority and responsibility of the department of agriculture under chapter 17.24 RCW.

**Sec. 4.** RCW 76.09.050 and 2002 c 121 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

- (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use;
- (b) Which require approvals under the provisions of the hydraulics act, RCW 77.55.100;
- (c) Within "shorelines of the state" as defined in RCW 90.58.030;
- (d) Excluded from Class II by the board; or
- (e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, (d) involving timber harvesting or road construction on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides: (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or (ii) a conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application, and/or (e) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and



directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or

(ii) On lands that have or are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b)(i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

**Sec. 5.** RCW 76.09.060 and 1997 c 290 s 3 and 1997 c 173 s 3 are each reenacted and amended to read as follows:

The following shall apply to those forest practices administered and enforced by the department and for which the board shall promulgate regulations as provided in this chapter:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. The application or notification shall be delivered in person to the department,

sent by first class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.17 RCW. The information required may include, but is not limited to:

- (a) Name and address of the forest landowner, timber owner, and operator;
- (b) Description of the proposed forest practice or practices to be conducted;
- (c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;
- (d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

- (e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

- (f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

- (g) Soil, geological, and hydrological data with respect to forest practices;

- (h) The expected dates of commencement and completion of all forest practices specified in the application;

- (i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

- (j) An affirmation that the statements contained in the notification or application are true; and

- (k) All necessary application or notification fees.

- (2) Long range plans may be submitted to the department for review and consultation.

- (3) The application for a forest practice or the notification of a Class II forest practice is subject to the three-year reforestation requirement.

- (a) If the application states that any such land will be or is intended to be so converted:

- (i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070 as now or hereafter amended;

- (ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

- (iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices rules.

- (b) Except as provided elsewhere in this section, if the application or notification does not state that any land covered by the application or notification will be or is intended to be so converted:

- (i) For six years after the date of the application the county, city, town, and regional governmental entities shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

- (A) The department shall submit to the local governmental entity a copy of the statement of a forest landowner's intention not to convert which shall represent a recognition by the landowner that the six-year moratorium shall be imposed and shall preclude the landowner's ability to obtain development permits while the moratorium is in place. This statement shall be filed by the local governmental entity with the county recording officer, who shall record the documents as provided in chapter 65.04 RCW, except that lands designated as forest lands of long-term commercial significance under chapter 36.70A RCW shall not be recorded due to the low likelihood of conversion. Not recording the statement of a forest landowner's conversion intention shall not be construed to mean the moratorium is not in effect.

- (B) The department shall collect the recording fee and reimburse the local governmental entity for the cost of recording the application.

- (C) When harvesting takes place without an application, the local governmental entity shall impose the six-year moratorium provided in (b)(i) of this subsection from the date the unpermitted harvesting was discovered by the department or the local governmental entity.

- (D) The local governmental entity shall develop a process for lifting the six-year moratorium, which shall include public notification, and procedures for appeals and public hearings.

- (E) The local governmental entity may develop an administrative process for lifting or waiving the six-year moratorium for the purposes of constructing a single-family residence or outbuildings, or both, on a legal lot and building site. Lifting or waiving of the six-year moratorium is subject to compliance with all local ordinances.

- (F) The six-year moratorium shall not be imposed on a forest practices application that contains a conversion option harvest plan approved by the local governmental entity unless the forest practice was not in compliance with the approved forest practice permit. Where not in compliance with the conversion option harvest plan, the six-year moratorium shall be imposed from the date the application was approved by the department or the local governmental entity;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application or notification shall be signed by the forest landowner and accompanied by a statement signed by the forest landowner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed. At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than two years. The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than two years. Such rules shall include extended time periods for application or notification approval or disapproval. On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in section 3 of this act.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

**Sec. 6.** RCW 17.24.171 and 1991 c 257 s 21 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, ~~((or))~~ economic well-being, or the environment, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010~~((44))~~ (13). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010~~((44))~~ (13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010~~((44))~~ (13) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals ~~((or))~~, companies, or ~~((both))~~ agencies, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler and Sump.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5145 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Concerning withdrawals of public ground waters. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 90.44 RCW to read as follows:  
The use of public ground water for single or group domestic use under the exemption from water right permit requirements provided by RCW 90.44.050 should be clarified with regard to the number of residences that may be provided water in a single development under the exemption."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5165 Prime Sponsor, Senate Committee On Judiciary: Regulating vehicular pursuit. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

SB 5175 Prime Sponsor, Senator Doumit: Increasing the monthly pensions for volunteer fire fighters and reserve officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5176 Prime Sponsor, Senator Roach: Providing wildland fire fighting training. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 2, line 25, after "state." insert "Wildland training reimbursement will be provided if a fire protection district or a city fire department has and is fulfilling their interior attack policy or if they do not have an interior attack policy."

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

April 3, 2003

ESSB 5178 Prime Sponsor, Senate Committee On Commerce & Trade: Creating the legislative international trade account. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, after "senate" insert "and the secretary of state"

On page 1, line 16, after "senate" strike "and" and insert ","

On page 1, line 16, after "representatives" insert ", and the secretary of state"

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Referred to Committee on Appropriations.

April 4, 2003

SSB 5189 Prime Sponsor, Senate Committee On Higher Education: Waiving tuition and fees for veterans of the Korean conflict. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

April 4, 2003

ESSB 5192 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Managing the state's investments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The outlook for the state's pension system is dramatically affected by the performance of the state investment board. The recent performance of all pension funds throughout the country has resulted in a greater attention to investment decisions.

The legislature has determined that additional fiduciary roles and responsibilities are appropriate for members of the investment board who are, solely in their board capacity, fiduciary trustees for fund beneficiaries.

The legislature also finds that an examination of in-state investment opportunities within the context of the state investment board's overall investment strategy for diversification and maximizing returns is an appropriate role of the state investment board.

NEW SECTION. Sec. 2. (1) Members of the state investment board, solely when acting in their board capacity, shall discharge their fiduciary duty to invest and to manage public and retirement funds with the highest standard of professional conduct for the exclusive benefit of fund beneficiaries. Consistent with this responsibility the board's investments are made in accordance with RCW 43.33A.110 mandating investment aimed at maximizing return at a prudent level of risk, and RCW 43.33A.140 establishing duties of diversification and care. Subject to these standards, the board shall examine economically targeted investments in Washington as potential investments for funds managed by the board. Economically targeted investments shall be made in accordance with the board's asset allocation policies and included within existing asset categories while conforming to all of the laws, policies, and procedures governing the state investment board.

(2) Subject to available resources, the board will establish a program to facilitate exchange of information between its private equity general partners and appropriate parties with knowledge of quality, economically targeted investment opportunities. This program will also include a clearinghouse function aimed at receiving information on potential economically targeted investments.

(3) The state investment board will provide a report on activity relating to economically targeted investments at least annually. This report will be distributed to the members of the state investment board, organizations representing board beneficiaries, the legislature, and the governor and may be included in the report provided for in RCW 43.33A.150.

(4) As used in this section, "economically targeted investments" means investments having the primary objective of investment return to funds managed by the board and the collateral objective of assisting the regional economy and the economic well-being of the state of Washington, its localities, and residents.

Sec. 3. RCW 43.33A.020 and 2002 c 303 s 1 are each amended to read as follows:

There is hereby created the state investment board to consist of fifteen members to be appointed as provided in this section.

~~((1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.~~

~~(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.~~

~~(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(4) The state treasurer or the assistant state treasurer if designated by the state treasurer.~~

~~(5) A member of the state house of representatives. This member shall be appointed by the speaker of the house of representatives.~~

~~(6) A member of the state senate. This member shall be appointed by the president of the senate.~~

~~(7) One member who is a retired member of a state retirement system shall be appointed by the governor, subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(8) The director of the department of labor and industries.~~

~~(9) The director of the department of retirement systems.~~

~~(10) One member who is an active member of the school employees' retirement system and has at least five years of service credit. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(11) Five nonvoting members appointed by the state investment board who are considered experienced and qualified in the field of investments.~~

~~The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January 10, 1983. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.~~

~~After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.~~

~~Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority.)~~

(1) The state treasurer or his or her designee is a member of the state investment board and serves as a fiduciary trustee. As a board member, the state treasurer serves as one of the five members of the audit committee. As a fiduciary trustee, this member will use his or her expertise in financial markets to assist the investment review process for the state investment board and will also assist in identifying economically targeted investment opportunities that conform to the requirements of section 2 of this act.

(2) One member of the state investment board is an active member of the public employees' retirement system and has been an active member for at least five years. This member is appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system and serves as a fiduciary trustee. As a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program to the public employees' retirement system beneficiaries. This member will also assist in identifying issues relevant to public employees for which the state investment board is accountable, and will report to the board on such issues as necessary.

(3) One member of the state investment board is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member is appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system and serves as a fiduciary trustee. As a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program to the law enforcement officers' and fire fighters' retirement system beneficiaries. This member will also assist in identifying issues relevant to public employees for which the state investment board is accountable, and will report to the board on such issues as necessary.

(4) One member of the state investment board is an active member of the teachers' retirement system and has been an active member for at least five years. This member is appointed by the superintendent of public instruction subject to confirmation by the senate and serves as a fiduciary trustee. As a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program to the teachers' retirement system beneficiaries. This member will also assist in identifying issues relevant to public employees for which the state investment board is accountable, and will report to the board on such issues as necessary.

(5) One member of the state investment board is an active member of the school employees' retirement system and has at least five years of service credit. This member is appointed by the superintendent of public instruction subject to confirmation by the senate and serves as a fiduciary trustee. As a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program to the school employees' retirement system beneficiaries. This member will also assist in identifying issues relevant to public employees for which the state investment board is accountable, and will report to the board on such issues as necessary.

(6) One member of the state investment board is a retired member of a state retirement system and is appointed by the governor subject to confirmation by the senate and serves as a fiduciary trustee. As a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program to retired beneficiaries. This member will also assist in identifying issues relevant to public employee retirees for which the state investment board is accountable, and will report to the board on such issues as necessary.

(7) The director of labor and industries is a member of the state investment board, and serves as a fiduciary trustee. As a fiduciary trustee, this member will work with state investment board staff to implement a process for reporting state investment board earnings and investment objectives to those businesses and labor organizations in Washington state that provide the funding for the programs administered by the department of labor and industries which are supported by state investment board earnings.

(8) The director of retirement systems is a member of the state investment board and serves as a fiduciary trustee. As a fiduciary trustee, this member will implement a process of reporting state investment board earnings to the constituents of the retirement systems.

(9) One member of the state investment board is a member of the state house of representatives and serves as a fiduciary trustee. This member is appointed by the speaker of the house of representatives. As a fiduciary trustee, this member is responsible for reporting to the relevant committees in the house of representatives on the status of the funds for which the state investment board is responsible and accountable.

(10) One member of the state investment board is a member of the state senate and serves as a fiduciary trustee. This member is appointed by the president of the senate. As a fiduciary trustee, this member is responsible for reporting to the relevant committees in the senate on the status of the funds for which the state investment board is responsible and accountable.

(11) Expertise in investment decisions is sought by the inclusion of five nonvoting members appointed by the state investment board after nomination by the audit committee, who are considered experienced and qualified in the field of investments. At least one of the nonvoting members must have experience in investing in companies, funds, or other investments that are located in, have a substantial employment base in, or make a significant economic contribution to, Washington state.

(12) All members of the state investment board, except nonvoting members, legislative members, and members serving by virtue of the position they hold, serve terms of three years and hold office until successors are appointed. Members' terms, except for nonvoting members, commence on January 1st of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies are made for the unexpired terms in the same manner as the original appointments. Any voting member may be removed from the state investment board for cause by the member's respective appointing authority.

The five nonvoting members are appointed by the state investment board for a two-year term and may be appointed for additional terms. Nonvoting members may be removed by the board for cause.

The legislative members serve terms of two years. The position of a legislative member on the state investment board becomes vacant at the end of that member's term on the state investment board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

**NEW SECTION. Sec. 4.** There is hereby created an audit committee of the state investment board consisting of not more than five voting members of the board. The audit committee provides oversight of audit activities, develops and monitors the code of conduct for the board, and also deals with corporate governance policies and issues. The audit committee members are appointed by the state investment board chairperson. At least one member of the audit committee shall be a representative of one of the retirement system beneficiaries.

**NEW SECTION. Sec. 5.** Sections 2 and 4 of this act are each added to chapter 43.33A RCW."

Correct the title.

Signed by Representatives Schual-Berke, Chairman; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Hatfield; Hunter; Roach and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Simpson, Vice Chairman; Benson, Ranking Minority Member; Cooper.

Referred to Committee on Appropriations.

April 3, 2003  
SSB 5221 Prime Sponsor, Senate Committee On Government Operations & Elections: Reorganizing election laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

April 2, 2003  
ESSB 5229 Prime Sponsor, Senate Committee On Highways & Transportation: Separating training for two and three-wheeled motorcycles. Reported by Committee on Transportation



MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong and Schindler.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5235 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Exempting certain forest practices from the environmental impact statement requirements of chapter 43.21C RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.220 and 1999 sp.s. c 4 s 902 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board (~~(be)~~) is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from:

(a) An action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350; and

(b) A procedural determination of significance or nonsignificance by the department, pursuant to chapter 43.21C RCW, when the environmental review procedures of chapter 43.21C RCW are triggered by a sale of state timber that is to be harvested by either a class I, II, or III forest practice, as those terms are defined in RCW 76.09.050. When hearing an appeal under this subsection (7)(b), the board shall consolidate the hearing with any other appeals arising from the department's decision to make the particular track of timber available for public sale.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice (~~(or)~~), the approval or disapproval of any landscape plan (~~(or)~~), permit, or watershed analysis, or any procedural determination made by the department consistent with subsection (7)(b) of this section, may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently

with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 2.** RCW 43.21C.075 and 1997 c 429 s 49 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The state environmental policy act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The state environmental policy act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall allow no more than one agency appeal proceeding on each procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement);

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision or recommendation on a proposal and any environmental determinations made under this chapter, with the exception of:

(i) An appeal of a determination of significance;

(ii) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

(iii) An appeal of a procedural determination made by an agency on a nonproject action; or

(iv) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an administrative appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) If a decision by the board of natural resources to make a particular track of timber available for public sale leads to an appealable action under this chapter, then any appeal may only be heard by the forest practices appeals board consistent with RCW 76.09.220, and must be consolidated with any other appeals heard by the forest practices appeals board in connection with the particular timber sale. This subsection only applies to timber sales that are to be harvested under either a class I, II, or III forest practice, as those terms are defined in RCW 76.09.050.

(6) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This subsection does not modify any such time periods. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within such time period. The agency shall give official notice stating the date and place for commencing an appeal.

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

~~((6))~~ (7)(a) Judicial review under subsection ~~((5))~~ (6) of this section of an appeal decision made by an agency under subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party

alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

~~((7))~~ (8) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and the certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

~~((8))~~ (9) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection ~~((5))~~ (6) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

~~((9))~~ (10) The court in its discretion may award reasonable attorneys' fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**NEW SECTION.** **Sec. 3.** A new section is added to chapter 79.01 RCW to read as follows:

The department shall not initiate the actual auction of any timber subject to an appeal under RCW 76.09.220(7)(b) until thirty days after the forest practices appeals board reaches its final ruling.

**Sec. 4.** RCW 34.05.010 and 1997 c 126 s 2 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW.

(3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits.

Except as provided in section 5 of this act, agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

(8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(9)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license.

(10) "Mail" or "send," for purposes of any notice relating to rule making or policy or interpretive statements, means regular mail or electronic distribution, as provided in RCW 34.05.260. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(11)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

(12) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(13) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(14) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(15) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

(16) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

(17) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 for the purpose of selectively reviewing existing and proposed rules of state agencies.

(18) "Rule making" means the process for formulation and adoption of a rule.

(19) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company.

**NEW SECTION. Sec. 5.** A new section is added to chapter 34.05 RCW to read as follows:

A procedural determination of significance or nonsignificance by the department of natural resources, pursuant to chapter 43.21C RCW, when the environmental review procedures of chapter 43.21C RCW are triggered by a sale of state timber that is to be harvested by either a class I, II, or III forest practice, as those terms are defined in RCW 76.09.050, shall proceed pursuant to this title as provided in RCW 76.09.220(8)(b).

**Sec. 6.** RCW 79.01.500 and 1988 c 202 s 59 and 1988 c 128 s 56 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of natural resources, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is taken. The hearing and trial of said appeal in the superior court shall be de novo before the court, without a jury, upon the pleadings and papers so certified, but the court may order the pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court may seek appellate review as in other civil cases. Unless appellate review of the judgment of the superior court is sought, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tidelands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

(2) Any appeal from a decision made by the department to sell a specified track of timber that is to be harvested by either a class I, II, or III forest practice, as those terms are defined in RCW 76.09.050, may only be heard under the procedures established in RCW 76.09.220, if a procedural determination of significance or nonsignificance by the department, pursuant to chapter 43.21C RCW, is also being appealed."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Holmquist, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler and Quall.

Referred to Committee on Appropriations.

SSB 5236 Prime Sponsor, Senate Committee on Health & Long-Term Care: Offering health care benefit plans to school district employees. Reported by Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 4, 2003

ESB 5245 Prime Sponsor, Senator Horn: Involving legislators in transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 1, line 14, after "are" insert "wholly or partly"

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Hankins; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan and Hatfield.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5264 Prime Sponsor, Senate Committee On Government Operations & Elections: Providing transportation to the lieutenant governor's spouse for activities conducted on behalf of the state. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 9, after "when" strike "conducting official state business in conjunction with" and insert "he or she is conducting official state business that pertains to the office of"

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon and Tom.

Passed to Committee on Rules for second reading.

April 2, 2003

SB 5284 Prime Sponsor, Senator Stevens: Penalizing failure to use required traction equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Hankins; Hatfield; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5305 Prime Sponsor, Senate Committee On Land Use & Planning: Reviewing the state's need for construction aggregates. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that not all mineral resources of long-term commercial significance can be used as construction aggregates and not all regions of the state have sufficient supplies of construction aggregates. As a result, projects may not be completed timely, economically, and with the quality of aggregates necessary for long-term durability.

(2)(a) A committee is created to study the state's need for aggregate as recognized under subsection (1) of this section. The committee is comprised of the following:

- (i) The state geologist, representing the department of natural resources, who shall serve as chair;
- (ii) A representative of the association of general contractors;
- (iii) A representative of the governor;
- (iv) A representative of the Washington chapter of the American public works association;
- (v) An operating engineer representing the building and trades council;
- (vi) A representative of the aggregate and concrete association; and
- (vii) Representatives from three counties, including a county from east of the crest of the Cascade mountains, a highly urbanized county with aggregate supplies and affiliated industries within its urban area, and a rural county with aggregate supplies and affiliated industries within its agricultural, forested, or other rural areas.

(b) The committee shall:

(i) Determine whether the goals and requirements under chapter 36.70A RCW are being met with regard to the identification, designation, and supply of aggregate necessary to meet the twenty-year comprehensive plans and whether sufficient quality and quantity of aggregate is available to meet the transportation elements of the department of transportation, county, city, or municipal projects, and private projects;

(ii) Determine whether environmental review procedures allow the efficient processing of permit applications without reducing environmental protection and without undermining the expectation that a successful project will receive a permit in a timely manner;

(iii) Ensure the state has competitive and efficient industries by evaluating and identifying areas of redundant, duplicative, and costly regulations and suggesting remedies to eliminate those inefficient impediments;

(iv) Consider how the aggregate and affiliated industries should be regulated; and

(v) No later than December 15, 2003, prepare and submit to the legislature its findings and any legislation necessary.

(3) The department of transportation and the department of community, trade, and economic development shall provide technical and staff support from existing staff."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5307 Prime Sponsor, Senator Mulliken: Requiring local governments to issue project permits in a timely manner. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 7, after "36.70A.040" strike "shall" and insert "may"

On page 3, at the beginning of line 1, strike all of subsection (3)

Renumber the subsections consecutively and correct any internal references accordingly.

On page 3, after line 25, insert the following:

**"Sec. 2.** RCW 36.70B.080 and 2001 c 322 s 1 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific project permit applications and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions on specific complete project permit applications or project types should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types.

Such development regulations shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least twenty thousand shall identify the types of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities shall establish a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section. Counties and cities subject to the requirements of this subsection also shall (~~through September 1, 2003,~~) prepare (~~at least two~~) annual performance reports that include, at a minimum, the following information for each type of project permit application:

- (i) Total number of complete applications received during the year;
- (ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;
- (iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;
- (iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city; and
- (v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year.

(b) (~~Until July 1, 2003,~~) Counties and cities subject to the requirements of this subsection shall provide notice of and access to the annual performance reports required by this subsection through the county's or city's web site. If a county or city subject to the requirements of this subsection does not maintain a web site, notice of the report shall be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government."

Correct the title.

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn; Edwards and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5326 Prime Sponsor, Senate Committee On Government Operations & Elections: Creating regional fire protection service authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1. FINDINGS.** The legislature finds that:

- (1) The ability to respond to emergency situations by many of Washington state's fire protection jurisdictions has not kept up with the state's needs, particularly in urban regions;
- (2) Providing a fire protection service system requires a shared partnership and responsibility among the federal, state, local, and regional governments and the private sector;
- (3) There are efficiencies to be gained by regional fire protection service delivery while retaining local control; and
- (4) Timely development of significant projects can best be achieved through enhanced funding options for regional fire protection service agencies, using already existing taxing authority to address fire protection emergency service needs and new authority to address critical fire protection projects and emergency services.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional fire protection service authority.
- (2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive



with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under section 3 of this act to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to section 4(3)(b) of this act, and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

**NEW SECTION. Sec. 3. PLANNING COMMITTEE FORMATION.** Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more adjacent fire protection jurisdictions may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one authority.

(2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.

(3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.

(4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under section 4 of this act.

(5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

**NEW SECTION. Sec. 4. PLANNING COMMITTEE DUTIES.** (1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection services. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria; and

(b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems, except that no ambulance service may be recommended unless the regional fire protection service authority determines that the fire protection jurisdictions that are members of the authority are not adequately served by existing private ambulance service in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids; and

(c) Recommend sources of revenue authorized by section 5 of this act and a financing plan to fund selected fire protection service projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under section 6 of this act.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

**NEW SECTION. Sec. 5. TAXES AND FEES.** (1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

- (a) Benefit charges under sections 24 through 33 of this act;
- (b) Property taxes under sections 15 through 18 and 20 of this act and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or
- (c) Both (a) and (b) of this subsection.

(2) Taxes and benefit charges may not be imposed unless they are identified in the regional fire protection service authority plan and the plan is approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in section 6 of this act. The voter approval requirement provided in this section is in addition to any other voter approval requirement under law for the levying of property taxes or the imposition of benefit charges. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

**NEW SECTION. Sec. 6. SUBMISSION OF PLAN TO THE VOTERS.** The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under section 4 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the authority, and approve the taxes is required for approval. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW 29.13.010 and 29.13.020.

**NEW SECTION. Sec. 7. CERTIFICATION OF FORMATION.** If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes, if any, the authority is formed. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

**NEW SECTION. Sec. 8. BOARD ORGANIZATION AND COMPOSITION.** (1) The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern authority affairs, which may include:

- (a) The time and place of regular meetings;
  - (b) Rules for calling special meetings;
  - (c) The method of keeping records of proceedings and official acts;
  - (d) Procedures for the safekeeping and disbursement of funds; and
  - (e) Any other provisions the board finds necessary to include.
- (2) The governing board shall be determined by the plan and consist solely of elected officials.

**NEW SECTION. Sec. 9. BOARD'S POWERS AND DUTIES.** (1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board shall:

- (a) Levy and impose taxes as authorized in the plan and approved by authority voters;
  - (b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;
  - (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;
  - (d) Monitor and audit the progress and execution of fire protection service projects to protect the investment of the public and annually make public its findings;
  - (e) Pay for services and enter into leases and contracts, including professional service contracts;
  - (f) Hire, manage, and terminate employees; and
  - (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the authority.
- (2) An authority may acquire, hold, or dispose of real property.
- (3) An authority may exercise the powers of eminent domain.

(4) An authority may enforce fire codes as provided under chapter 19.27 RCW.

**NEW SECTION. Sec. 10. TRANSFER OF RESPONSIBILITIES.** (1) All powers, duties, and functions of a participating fire protection jurisdiction pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the regional fire protection service authority. All real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the powers, functions, and duties transferred shall be made available to the regional fire protection service authority. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the regional fire protection service authority.

(b) Any appropriations made to the participating fire protection jurisdiction for carrying out the powers, functions, and duties transferred shall, on the effective date of the resolution, be transferred and credited to the regional fire protection service authority.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) All rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority. All existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before the effective date of the resolution.

(5) If apportionments of budgeted funds are required because of the transfers directed by the resolution, the treasurer under section 18 of this act shall certify the apportionments.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. RCW 35.13.215 through 35.13.235 apply to the transfer of employees under this section.

**NEW SECTION. Sec. 11. WITHDRAWAL.** (1) As provided in this section, a regional fire protection service authority may withdraw areas from its boundaries.

(2) The withdrawal of an area is authorized upon: (a) Adoption of a resolution by the board requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the regional fire protection service authority will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the fire district or authorities of the fire district within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal is effective at the end of the day on the thirty-first day of December in the year in which the resolutions under (b) of this subsection are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

(3)(a) The authority of an area to be withdrawn from a regional fire protection service authority as provided under this section is in addition to, and not subject to, section 10(6) of this act.

(b) The withdrawal of an area from the boundaries of a regional fire protection service authority does not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the fire protection district existing at the time of withdrawal.

**NEW SECTION. Sec. 12. DISSOLUTION--ELECTION.** Any fire protection district within the authority may be dissolved by a majority vote of the registered electors of the district at an election conducted by the election officials of the county or counties in which the district is located in accordance with the general election laws of the state. The proceedings for dissolution may be initiated by the adoption of a resolution by the board. The dissolution of the district shall not cancel outstanding obligations of the district or of a local improvement district within the district, and the county legislative authority or authorities of the county or counties in which the district was located may make annual levies against the lands within the district until the obligations of the districts are paid. All powers, duties, and functions of a dissolved fire protection jurisdiction within the authority boundaries, pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

**Sec. 13.** RCW 57.90.010 and 1999 c 153 s 24 are each amended to read as follows:

Water-sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority or regional fire protection service authority, hereinafter referred to as "special districts," which are located wholly or in part within a county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period.

**NEW SECTION. Sec. 14. DEBT AND BONDING.** Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration. An authority may issue notes or other evidences of indebtedness with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying in part or whole principal and interest on bonds issued by the authority. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

**NEW SECTION. Sec. 15.** (1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in section 14 of this act. Authorities may provide for the retirement of general indebtedness by excess property tax levies, when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW.

(4) For purposes of this section, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

**NEW SECTION. Sec. 16.** At the time of making general tax levies in each year, the county legislative authority or authorities of the county or counties in which a regional fire protection service authority is located shall make the required levies for authority purposes against the real and personal property in the authority in accordance with the equalized valuations of the property for general tax purposes and as a part of the general taxes. The tax levies are part of the general tax roll and must be collected as a part of the general taxes against the property in the authority.

**NEW SECTION. Sec. 17.** In the event that lands lie within both a regional fire protection service authority and a forest protection assessment area they shall be taxed and assessed as follows:

(1) If the lands are wholly unimproved, they are subject to forest protection assessments but not to authority levies;

(2) If the lands are wholly improved, they are subject to authority levies but not to forest protection assessments; and

(3) If the lands are partly improved and partly unimproved, they are subject both to authority levies and to forest protection assessments. However, upon request, accompanied by appropriate legal descriptions, the

county assessor shall segregate any unimproved portions which each consist of twenty or more acres, and thereafter the unimproved portion or portions are subject only to forest protection assessments.

**NEW SECTION. Sec. 18.** It is the duty of the county treasurer of the county in which the regional fire protection service authority created under this chapter is located to collect taxes authorized and levied under this chapter. However, when a regional fire protection service authority is located in more than one county, the county treasurer of each county in which the authority is located shall collect the regional fire protection service authority's taxes that are imposed on property located within the county and transfer these funds to the treasurer of the county in which the majority of the authority lies.

**Sec. 19.** RCW 84.09.030 and 1996 c 230 s 1613 are each amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 84.52 RCW to read as follows:

(1) If a fire protection district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular property tax levies of the fire protection district are limited as follows:

(a) The regular levy of the district under RCW 52.16.130 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(a) of this act;

(b) The levy of the district under RCW 52.16.140 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(b) of this act; and

(c) The levy of the district under RCW 52.16.160 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(c) of this act.

(2) If a city or town is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levies of the city or town shall not exceed the applicable rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the aggregate rates of any regular levies made by the authority under section 15(1) of this act.

(3) If a port district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levy of the port district under RCW 53.36.020 shall not exceed forty-five cents per

thousand dollars of assessed value of taxable property in the district less the aggregate rates of any regular levies imposed by the authority under section 15(1) of this act.

(4) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

**Sec. 21.** RCW 84.52.010 and 2002 c 248 s 15 and 2002 c 88 s 7 are each reenacted and amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to regional fire protection service authorities under section 15(1) (b) and (c) of this act and fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for regional fire protection service authorities under section 15(1)(a) of this act, fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the

hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

**Sec. 22.** RCW 84.52.052 and 2002 c 248 s 16 and 2002 c 180 s 1 are each reenacted and amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district, except school districts and fire protection districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, regional fire protection service authority, and convention district, or city transportation authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

**Sec. 23.** RCW 84.52.069 and 1999 c 224 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district. The tax shall be imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111. A taxing district shall not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section shall provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district shall maintain a statement of the accounting which shall be updated at least every two years and shall be available to the public upon request at no charge.

(4) A taxing district imposing a permanent levy under this section shall provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure shall specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29.13.020.

The referendum procedure provided in this subsection shall be exclusive in all instances for any taxing district imposing the tax under this section and shall supersede the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related

equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing district that is a participating fire protection jurisdiction in the regional fire protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, shall expire concurrently with the county emergency medical service levy.

(7) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

**NEW SECTION. Sec. 24.** (1) The governing board of a regional fire protection service authority may by resolution, as authorized in the plan and approved by the voters, for authority purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the authority on the date specified and which have received or will receive the benefits provided by the authority, to be paid by the owners of the properties. A benefit charge does not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. However, a benefit charge does apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected. It is the duty of the county legislative authority or authorities of the county or counties in which the regional fire protection service authority is located to make any necessary adjustments to assure compliance with this limitation and to immediately notify the governing board of an authority of any changes thereof.

(2) A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and is subject to contest on the grounds of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the authority. The governing board of an authority may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this



chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but the property may be protected by the authority under a contractual agreement.

(3) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the authority, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(4) For the purposes of this section and sections 25 through 33 of this act, the following definitions apply:

(a)(i) "Personal property" includes every form of tangible personal property including, but not limited to, all goods, chattels, stock in trade, estates, or crops.

(ii) "Personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock.

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

**NEW SECTION. Sec. 25.** All personal property not assessed and subjected to ad valorem taxation under Title 84 RCW, all property under contract or for which the regional fire protection service authority is receiving payment for as authorized by law, all property subject to chapter 54.28 RCW, and all property that is subject to a contract for services with an authority, is exempt from the benefit charge imposed under this chapter.

**NEW SECTION. Sec. 26.** (1) The resolution establishing benefit charges as specified in section 24 of this act must specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the benefit charge to be charged to each property owner subject to the resolution.

(2) The county assessor of each county in which the regional fire protection service authority is located shall determine and identify the personal properties and improvements to real property that are subject to a benefit charge in each authority and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the benefit charge to apply to each. These benefit charges must be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection apply.

**NEW SECTION. Sec. 27.** Each regional fire protection service authority shall contract, prior to the imposition of a benefit charge, for the administration and collection of the benefit charge by each county treasurer, who shall deduct a percentage, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the benefit charges imposed on behalf of each authority, less the deduction provided for in the contract.

**NEW SECTION. Sec. 28.** (1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall . . . . . the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) . . . . . be authorized to impose benefit charges each year for . . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall . . . . the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) . . . . be authorized to continue voter-authorized benefit charges each year for . . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

**NEW SECTION. Sec. 29.** (1) Not fewer than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this chapter, the governing board of the regional fire protection service authority shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities that will maintain or improve the services afforded in the authority. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to November 15th of each year the governing board of the authority shall hold a public hearing to review and establish the regional fire protection service authority benefit charges for the subsequent year.

(3) All resolutions imposing or changing the benefit charges must be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the authority.

(4) After the benefit charges have been established, the owners of the property subject to the charge must be notified of the amount of the charge.

**NEW SECTION. Sec. 30.** A regional fire protection service authority that imposes a benefit charge under this chapter shall not impose all or part of the property tax authorized under section 15(1)(c) of this act.

**NEW SECTION. Sec. 31.** After notice has been given to the property owners of the amount of the charge, the governing board of a regional fire protection service authority imposing a benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of an aggrieved party owning property in the authority, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

**NEW SECTION. Sec. 32.** The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the regional fire protection service authority benefit charge authorized by this chapter and may provide assistance to authorities in the establishment of a program to develop benefit charges.

**NEW SECTION. Sec. 33.** A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 is exempt from any legal obligation to pay a portion of the benefit charge imposed under this chapter as follows:

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of the charge;

(2) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

(3) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

**Sec. 34.** RCW 35.21.766 and 1975 1st ex.s. c 24 s 1 are each amended to read as follows:

Whenever a regional fire protection service authority or the legislative authority of any city or town determines that the fire protection jurisdictions that are members of the authority or the city or town or a substantial portion of the city or town is not adequately served by existing private ambulance service, the governing board of the authority may by resolution, or the legislative authority of the city or town may by appropriate legislation, provide for the establishment of a system of ambulance service to be operated by the authority as a public utility of the city or town, or operated by contract after a call for bids.

**NEW SECTION. Sec. 35. CAPTIONS.** Captions used in this act are not any part of the law.

NEW SECTION. Sec. 36. CODIFICATION. Sections 1 through 12, 14 through 18, and 24 through 33 of this act constitute a new chapter in Title 52 RCW.

NEW SECTION. Sec. 37. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern and Roach.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5345 Prime Sponsor, Senate Committee On Agriculture: Excluding certain drainage infrastructure from fishway provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that agriculture is a key industry for the state. The legislature also finds that agriculture is a way of life for many people whose families settled lands in the state and have actively farmed them for generations. The legislature further finds that agriculture is a cultural and historical component of many communities and represents the societal and economic foundation of many rural areas in Washington. In addition, the legislature finds that agricultural lands provide key wildlife habitat and open space for the enjoyment and economic benefit of the people of Washington.

(2) The legislature also finds that salmon recovery is a priority in Washington. The legislature recognizes that the listings of salmon and steelhead runs in Washington under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) may impose obligations on state and local governments, as well as the citizens of Washington, to undertake recovery efforts to facilitate salmon recovery in the state. In addition to satisfying legal obligations, the legislature recognizes the importance of salmon recovery for sport, commercial, and tribal fishing industries, to respect the cultural importance of salmon to tribes and to the state, and for the economic vitality of many areas of the state. The legislature further recognizes that numerous efforts are under way across the state to promote fish habitat restoration and that millions of dollars of public funds have been dedicated to these efforts.

(3) The legislature further finds that agricultural lands and the agricultural industry can play an important role in salmon recovery. The legislature recognizes that all local governments are required by the growth management act, chapter 36.70A RCW, to designate agricultural lands of long-term commercial significance and that local governments planning under RCW 36.70A.040 are required to designate and protect these lands. The legislature also recognizes that agricultural lands, by being protected from development that will impair critical salmon habitat, are both an economic and an environmental resource for the state.

(4) The legislature declares that the productivity of agricultural lands cannot be sacrificed. The legislature finds that economic circumstances in the agricultural industry, encroaching development on agricultural lands and adjacent lands, and the restrictions imposed on farming in various land use and environmental regulations have resulted in significant losses of agricultural lands in this state. The legislature therefore declares that it is in the best interest of the state to establish policies that result in no net loss of the state's agricultural land base. The legislature also declares that it is in the best interest of the state to implement the hydraulics program and fish passage laws in ways that preserve the agricultural land base, including cooperative agreements between the department of fish and wildlife and affected landowners, and that achieve mutual landowner and fish habitat goals.

(5) The legislature finds that the hydraulic project approval provisions of this chapter have recently been implemented in ways that required restoration of salmon habitat by converting existing agricultural land. The legislature also finds that this has resulted in financial losses for agricultural producers and potential damage to previously productive agricultural land in Skagit county. The legislature further finds that failure to reconcile the goals of protecting agricultural lands of long-term commercial significance and fish passage requirements may lead to future damage to and potentially loss of productive agricultural lands in Skagit and other Washington counties.

(6) The legislature finds that efforts to restore salmon habitat should look first to opportunities that exist on public lands. The legislature recognizes the importance of restoring salmon habitat as part of the state's overall strategy for recovering salmon. The legislature also finds that public lands play a key role in the state's salmon recovery efforts and that the use of public lands can assist the state in this effort without raising concerns about potential impacts on private property rights.

(7) The legislature therefore declares that the purposes of this act are to:

(a) Clarify the purpose of the fishway and hydraulic project approval requirements of chapter 77.55 RCW as applied to works and projects related to drainage infrastructure including tide gates, flood gates, and pump stations;

(b) Create demonstration projects on specified streams to assess the effectiveness of self-regulating tide gates in achieving fish passage and to test their impact, if any, on surrounding agricultural lands;

(c) Prioritize the use of public lands for fish habitat restoration projects; and

(d) Establish a task force to review issues regarding the implementation of fishway and hydraulic project approval requirements as they relate to designated agricultural lands, analyze the effectiveness of the demonstration projects for fish habitat restoration, and report any legislative recommendations to the legislature.

**Sec. 2.** RCW 77.55.060 and 1998 c 190 s 86 are each amended to read as follows:

(1) Subject to subsection (3) of this section, a dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.

(2) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.

(3) For the purposes of this section, "other obstruction" does not include tide gates or flood gates that were originally installed as part of an agricultural drainage system on or before the effective date of this section or the repair, replacement, or improvement of such tide gates or flood gates.

**Sec. 3.** RCW 77.55.100 and 2002 c 368 s 2 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2)(a) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 77.55.110, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five- year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 77.55.110.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 77.55.110, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

(10) The department shall not require the installation of a self- regulating tide gate as a condition of hydraulic project approval for maintenance or replacement of agricultural drainage systems under this section unless the condition is consistent with a salmon recovery plan adopted according to chapter 77.85 RCW or a plan developed according to section 12 of this act, the affected landowners and the associated special taxing districts under RCW 85.38.180 have agreed to the installation, and all impacts have been fully compensated. Any condition requiring a self-regulating tide gate to achieve fish passage in an existing hydraulic project approval may not be enforced.

**Sec. 4.** RCW 77.55.110 and 2002 c 368 s 3 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means

proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2) The department shall grant or deny the approval within forty- five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit. The applicant may document receipt of application by filing in person or by registered mail.

(3) A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life.

(4)(a) The forty-five day requirement shall be suspended if ~~((4))~~:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ~~((2))~~

(ii) The site is physically inaccessible for inspection; or ~~((3))~~

(iii) The applicant requests delay.

(b) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(5) An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

(6) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance.

(7) If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

(8) The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(9) A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

(10) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

(11) For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

(12) The department shall not require the installation of a self- regulating tide gate as a condition of hydraulic project approval for maintenance or replacement of agricultural drainage systems under this section unless the condition is consistent with a salmon recovery plan adopted according to chapter 77.85 RCW or a plan developed according to section 12 of this act, the affected landowners and the associated special taxing districts under RCW 85.38.180 have agreed to the installation, and all impacts have been fully compensated. Any condition requiring a self-regulating tide gate to achieve fish passage in an existing hydraulic project approval may not be enforced.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.55 RCW to read as follows:

The department shall comply with the requirements of this section when imposing conditions on approvals issued according to RCW 77.55.100 or 77.55.110 or during implementation of fish passage requirements according to RCW 77.55.060 for any project or work on or related to drainage infrastructure on lands designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW. The department shall:

(1) Employ a standard of no net loss of agricultural activity on lands designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW when interpreting the requirements of this section. When assessing the impacts of projects under this section, the department shall establish mechanisms, create conditions, and design strategies to effectuate this standard;

(2) Consider the quantity and quality of habitat necessary to ensure fish protection within the watershed of the work or project being considered as identified in assessments and plans prepared pursuant to sections 10 through 12 of this act or chapter 77.85 RCW;

(3) Prepare an environmental assessment of the benefits of the condition for fish protection and of the impacts to drainage infrastructure on designated agricultural lands and on public or private drainage or other infrastructure;

(4) Prepare an economic assessment of the costs of any impacts to drainage infrastructure on designated agricultural lands identified in subsection (2) of this section, including loss of agricultural crops or soil productivity, financial loss associated with crop failure, loss in market value or other financial impacts to the land, and an economic assessment of any impacts to or loss of public or private drainage or other infrastructure;

(5) Identify a source or source of funding of any financial impacts to designated agricultural lands determined according to subsection (4) of this section; and

(6) Determine the potential for a voluntary agreement made according to RCW 77.55.300 to provide adequate fish protection within the watershed or for habitat restoration programs or efforts within or outside of the watershed to address fish protection needs.

**Sec. 6.** RCW 77.55.280 and 2001 c 253 s 54 are each amended to read as follows:

(1) When a private landowner is applying for hydraulic project approval under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in RCW 77.55.300, the department shall comply with the terms of that agreement when evaluating the request for hydraulic project approval.

(2) Chapter . . . , Laws of 2003 (this act) does not limit the ability of the department and a private landowner or, if applicable, an associated special taxing district under RCW 85.38.180, to enter into a voluntary habitat incentives agreement under this section.

**Sec. 7.** RCW 77.55.290 and 2001 c 253 s 55 are each amended to read as follows:

(1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (a) and (b) of this subsection:

(a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made fish passage barriers, including culvert repair and replacement;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(b) A fish habitat enhancement project must be approved in one of the following ways:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; and

(vii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3) Hydraulic project approval is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form (~~developed by the department of ecology permit assistance center~~) to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the

department and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. In no more than forty-five days, the department shall either issue hydraulic project approval, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by hydraulic project approval. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

Any person aggrieved by the approval, denial, conditioning, or modification of hydraulic project approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

**Sec. 8.** RCW 77.55.300 and 2000 c 107 s 229 are each amended to read as follows:

(1) ~~((Beginning in January 1998,))~~ The department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 77.55.100 or 77.55.110 on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

(7) This section does not abrogate the department's obligation to prioritize the use of public lands for fish habitat restoration projects.

(8) This section does not authorize the department to impose conditions requiring fish habitat restoration either on or affecting lands designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW in any approvals issued according to RCW 77.55.100 or 77.55.110 or during



implementation of fish passage requirements according to RCW 77.55.060 in the absence of a voluntary agreement entered into according to this section.

**Sec. 9.** RCW 77.55.310 and 2001 c 253 s 21 are each amended to read as follows:

(1) The director may authorize removal, relocation, reconstruction, or other modification of an inadequate fishway or fish protective device required by RCW 77.55.320 which device was in existence on September 1, 1963, without cost to the owner for materials and labor. The modification may not materially alter the amount of water flowing through the fishway or fish protective device. Following modification, the fishway or fish protective device shall be maintained at the expense of the person or governmental agency owning the obstruction or water diversion device.

(2) This section does not authorize the director to implement or impose fish habitat restoration conditions either on or affecting lands designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW except as authorized under RCW 77.55.300.

**NEW SECTION. Sec. 10.** A new section is added to chapter 77.55 RCW to read as follows:

Upon written request of the affected owners of land designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW or the associated special taxing districts under RCW 85.38.180, the department shall provide for the removal of the self-regulating function of any self-regulating tide gate installed because of a condition imposed by the department in an approval issued according to RCW 77.55.100 or 77.55.110 or during implementation of fish passage requirements according to RCW 77.55.060. The department shall make the tide gate removal of the self-regulating function of any self-regulating tide gate a priority and complete the removal within thirty days of receipt of the request of the owner or the associated special taxing district under RCW 85.38.180. The department shall pay for any tide gate removal required by this section within existing resources.

**NEW SECTION. Sec. 11.** A new section is added to chapter 77.55 RCW to read as follows:

(1) A task force is created that shall be composed of the following thirteen members and any members identified in subsection (2) of this section who elect to participate:

(a) Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the senate majority leader;

(c) One representative of the fish and wildlife commission, appointed by the chair of the commission;

(d) Two representatives of the agricultural industry familiar with agricultural issues in Skagit county, with one appointed by an organization active in Skagit county and one appointed by a statewide organization representing the industry;

(e) Two representatives of environmental interest organizations with familiarity and expertise in agricultural activities and issues related to approvals issued under this chapter, with one appointed by a Skagit county organization and the other appointed by a statewide organization representing environmental interests;

(f) One representative of a Skagit county diking and drainage district, appointed by the individual districts in Skagit county or by an association of diking and drainage districts;

(g) One representative of the lead entity for salmon recovery in Skagit county, appointed by the lead entity;

(h) One representative of Skagit county, appointed by its legislative authority; and

(i) One representative from the office of the governor.

(2) Representatives of the United States environmental protection agency, the United States natural resources conservation service, and tribes with interests in Skagit county shall be invited and encouraged to participate as members of the task force.

(3) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(4) The task force shall:

(a) Review and analyze the issues identified in section 1 of this act and the purposes specified in section 1(7) of this act as they relate to Skagit county to determine the effectiveness of chapter . . . , Laws of 2003 (this act) in addressing those issues and achieving those purposes;

(b) Define the scope, nature, and extent of the assessments listed in section 12 of this act, review the assessments listed in section 13 of this act, develop a methodology to distinguish between facilities in Skagit county that function as drainage infrastructure and those that are passages for fish, and recommend statutory and policy changes to provide fish and wildlife habitat to meet salmon recovery goals while assuring no net loss of the farmland base;

(c) Identify appropriate demonstration projects on the Skagit river, the Samish river, Carpenter creek, and Colony creek and provide direction on project purpose, duration, monitoring, reporting, and funding; and

(d) Review and analyze the selection, monitoring, and results of any such demonstration projects.

(5) Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120. Nonlegislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The first meeting of the task force shall be held within thirty days of the effective date of this act. Beginning in November 2003, the task force shall provide annual reports to the appropriate committees of the legislature with its findings and any legislative recommendations. The task force shall submit a final report and any legislative recommendations to the appropriate committees of the legislature by November 30, 2004.

(7) This section expires June 30, 2005.

**NEW SECTION. Sec. 12.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The task force may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a strategy incorporating the following elements:

(a) An inventory of existing tide gates located on streams in Skagit county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the task force, the county, and districts;

(b) An assessment of the role of tide gates located on streams in Skagit county; the role of tidal fish habitat for various life stages of salmon; the quantity and characterization of tidal fish habitat currently accessible to fish; the quantity and characterization of the present tidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential tidal fish habitat on public lands and alternatives to enhance this habitat; the effects of salt water intrusion on agricultural land, including the effects of backfeeding of salt water through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning tidal fish habitat; the description of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term proposal for fish habitat enhancement to meet the two goals of salmon recovery and no net loss of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and enhance habitat on public lands, voluntary methods to increase fish passage on private lands, a priority list of fish passage projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) This section expires November 30, 2004.

**NEW SECTION. Sec. 13.** A new section is added to chapter 77.55 RCW to read as follows:

(1) In conjunction with other public landowners, the department shall create a salmon habitat restoration plan for all public lands in Skagit county. The plan shall include a list of public properties that must be restored for salmon, a description of how those properties can be altered to support salmon, a description of costs and sources of funds to restore the property, and a strategy and schedule for prioritizing the restoration of public lands for salmon habitat.

(2) The department shall make the Skagit public lands salmon habitat restoration plan a priority and complete it by November 30, 2004.

**NEW SECTION. Sec. 14.** A new section is added to chapter 77.55 RCW to read as follows:

As used in this chapter, "tide gate" means a one-way check valve that prevents the backflow of tidal water.

**NEW SECTION. Sec. 15.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 77.55.060, 77.55.100, 77.55.110, 77.55.280, 77.55.290, 77.55.300, and 77.55.310; adding new sections to chapter 77.55 RCW; creating new sections; providing expiration dates; and declaring an emergency."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

April 4, 2003

ESSB 5352 Prime Sponsor, Senate Committee On Agriculture: Encouraging agricultural conservation programs. (REVISED FOR ENGROSSED: Encouraging agricultural land use conservation programs.) Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to address concerns regarding the conservation reserve enhancement program in the state of Washington in order to promote enrollment in this program."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Orcutt and Sump.

Passed to Committee on Rules for second reading.

April 4, 2003

ESSB 5375 Prime Sponsor, Senate Committee On Parks, Fish & Wildlife: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **"PART 1 LEGISLATIVE INTENT AND DEFINITIONS**

NEW SECTION. Sec. 101. The legislature finds that the state has acted to plan for the protection and preservation of fish life by establishing policies that affect the protection of marine and freshwater habitat in the growth management act, the shorelines management act, the forest and fish plan, and the habitat conservation plan.

The legislature further finds that the state requires the examination of the environmental impacts of construction projects and work in Washington to minimize and mitigate the impact of those projects through the state environmental policy act.

The legislature further finds that while these various acts regulate the planning and design of upland projects, it is necessary to call on the expertise of the department of fish and wildlife to implement rules governing construction or work activities that occur below the ordinary high water line or other work specifically designated by the legislature in such a manner so as to protect fish life.

This policy recognizes that all such construction and work is to be permitted in a timely and efficient fashion with an aim toward preserving existing public and private property, preventing damage to the environment, protecting fish life, and permitting the efficient construction of new facilities.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

- (2) "Board" means the hydraulic appeals board created in RCW 77.55.170 (as recodified by this act).
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Department" means the department of fish and wildlife.
- (5) "Director" means the director of the department of fish and wildlife.
- (6) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation arising from weather or stream flow conditions or other natural conditions.
- (7) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.
- (8) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.
- (9) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.
- (10) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.
- (11) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining fresh water is the line of mean high water.
- (12) "Permit" means a hydraulic project approval permit issued under this chapter.
- (13) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.
- (14) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.
- (15) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.
- (16) "Streambank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects are limited to bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.
- (17) "Waters of the state" and "state waters" means all salt and fresh waters within the ordinary high water line and within the territorial boundary of the state.

## **PART 2**

### **DETERMINING HOW TO OBTAIN A HYDRAULIC PROJECT APPROVAL PERMIT**

**NEW SECTION. Sec. 201.** (1) In the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

- (a) General plans for the overall project;
- (b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;
- (c) Complete plans and specifications for the proper protection of fish life;
- (d) Notice of compliance with any applicable requirements of the state environmental policy act; and
- (e) Provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit as a condition of the application.

(3)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned. The department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

- (i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;
  - (ii) The site is physically inaccessible for inspection;
  - (iii) The applicant requests a delay; or
  - (iv) The application is not complete.
- (b) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(4) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life. Issuance,

denial, conditioning, or modification of a permit shall be appealable to the board within thirty days of the notice of decision.

(5)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for a period of up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.220.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

(6) The department may, after consultation with the permittee, modify a permit due to changed conditions. The modification becomes effective unless appealed to the board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(7) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

(8) The department or the county legislative authority may declare and continue an emergency. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection. The department, through its authorized representatives, shall issue immediately, upon request, oral approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency oral permit must be established by the department and reduced to writing within thirty days and complied with as provided for in this chapter. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(9) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

(10) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(11) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

**NEW SECTION. Sec. 202.** (1)(a) The department must develop general permits for common or routine activities to improve the predictability and efficiency of the hydraulic project approval program. At a minimum, the department must, by December 2004, develop general permits for the following activities:

- (i) Minor dredging of up to ten yards of sediment from an existing channel, berthing area, or boat ramp;
- (ii) Routine repair and maintenance of tide gates;
- (iii) Replacement of up to sixty pilings including construction of mooring dolphins and fender pilings;
- (iv) Routine repair or maintenance of road and highway structures such as culverts and ditches;
- (v) Routine repair and maintenance of bridge structures below the ordinary high water line; and
- (vi) Geotechnical or exploratory work conducted as part of project planning or development.

(b) The department may develop additional general permits for in-water construction activities as available resources allow.

(2) General permits must contain conditions necessary to protect fish life, and must clearly delineate predictable conditions and restrictions that project applicants may incorporate into project design and

construction. The department must develop, in consultation with an advisory committee, common technical provisions that must be incorporated into general conditions for each general permit.

(3) The department shall post electronically and otherwise make generally available the following information for each general permit:

(a) A description of activities covered;

(b) The conditions and practices a project applicant must follow to receive coverage under the permit; and

(c) A notice of intent form for use by applicants to include information on project location and habitat types affected.

(4) To receive coverage under a general permit, a project applicant must:

(a) Send a notice of intent to follow the conditions of a general permit to the department twenty-one days before construction is to begin; and

(b) Post the general permit prominently at the worksite.

(5) Within ten days of receipt of a notice of intent from a project applicant, the department must notify the applicant of the status of general permit coverage. Status includes permit approval, denial, or conditioning. Issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days of the notice of decision.

**NEW SECTION. Sec. 203.** (1) Certain federal and state regulatory review processes may provide review and protection of fish life that is equivalent to the review provided by the department under this chapter. This may include, among other permits, federal review of a project under the endangered species act (16 U.S.C. Sec. 1531 et seq.), a federal permit under section 404 of the federal water pollution control act (33 U.S.C. Sec. 1251 et seq.), state review of a project under section 401 of the federal water pollution control act (33 U.S.C. Sec. 1251 et seq.), or state review of shorelines under chapter 90.58 RCW.

(2) At any point in project development or permitting, an applicant may submit to the department a notice of intent to proceed under an equivalent regulatory review. The notice must include a description of the project, the habitat impacted, and the equivalent permits required for the project. The director or director's designee shall make a determination regarding the equivalency of other regulatory permits within fifteen days of receiving the notice. If the notice of equivalency is approved, the project is exempt from the requirement to receive hydraulic project approval under this chapter. If the notice of equivalency is denied, the department must provide the applicant, in writing, specific reasons why the other regulatory reviews will not adequately protect fish life. (3) Any person aggrieved by a decision under subsection (2) of this section may appeal the decision according to the provisions of chapter 34.05 RCW.

### **PART 3 EXEMPTION FROM HYDRAULIC PROJECT APPROVAL**

**NEW SECTION. Sec. 301.** The act of driving across an established ford is exempt from a permit. Driving across streams or on wetted streambeds at areas other than established fords requires a permit. Work below the ordinary high water line of state waters to construct or repair a ford or crossing requires a permit.

**Sec. 302.** RCW 77.55.330 and 2002 c 20 s 4 are each amended to read as follows:

The removal of derelict fishing gear does not require ~~((written approval))~~ a permit under this chapter if the gear is removed according to the guidelines described in RCW 77.12.865.

**NEW SECTION. Sec. 303.** (1) An activity conducted solely for the removal or control of spartina does not require a permit.

(2) An activity conducted solely for the removal or control of purple loosestrife and which is performed with handheld tools, handheld equipment, or equipment carried by a person does not require a permit.

### **PART 4 COMPLIANCE THROUGH GUIDELINES, AGREEMENTS, AND PAMPHLETS**

**Sec. 401.** RCW 77.55.150 and 1995 c 255 s 4 are each amended to read as follows:

~~(1) ((An activity conducted solely for the removal or control of spartina shall not require hydraulic project approval.~~

~~(2) An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand held tools, hand held equipment, or equipment carried by a person when used shall not require hydraulic project approval.~~

~~(3))~~ By June 30, 1997, the department ~~((of fish and wildlife))~~ shall develop rules for projects conducted solely for the removal or control of various aquatic noxious weeds other than spartina and purple loosestrife and for activities or hydraulic projects for controlling purple loosestrife not covered by ~~((subsection (2)))~~ section

303(2) of this ~~((section, which projects will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state))~~ act. Following the adoption of the rules, the department shall produce and distribute a pamphlet describing the methods of removing or controlling the aquatic noxious weeds that are approved under the rules. The pamphlet serves as the ~~((hydraulic project approval))~~ permit for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet~~((;))~~. No further ~~((hydraulic project approval))~~ permit is required for such a project.

(2) From time to time as information becomes available, the department shall adopt similar rules for additional aquatic noxious weeds or additional activities for removing or controlling aquatic noxious weeds not governed by ~~((subsection (1) or (2) of this section))~~ sections 303 (1) and (2) of this act and shall produce and distribute one or more pamphlets describing these methods of removal or control. Such a pamphlet serves as the ~~((hydraulic project approval))~~ permit for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet~~((;))~~. No further ~~((hydraulic project approval))~~ permit is required for such a project.

~~((4))~~ As used in this section, "spartina," "purple loosestrife," and "aquatic noxious weeds" have the meanings prescribed by RCW 17.26.020.

~~((5))~~ (3) Nothing in this section shall prohibit the department ~~((of fish and wildlife))~~ from requiring a ~~((hydraulic project approval))~~ permit for those parts of hydraulic projects that are not specifically for the control or removal of spartina, purple loosestrife, or other aquatic noxious weeds.

**Sec. 402.** RCW 77.55.270 and 1997 c 415 s 2 are each amended to read as follows:

(1) Small scale prospecting and mining shall not require ~~((written approval))~~ a permit under this chapter if the prospecting is conducted in accordance with ~~((provisions))~~ rules established by the department.

(2) By December 31, 1998, the department shall adopt rules applicable to small scale prospecting and mining activities subject to this section. The department shall develop the rules in cooperation with the recreational mining community and other interested parties.

(3) Within two months of adoption of the rules, the department shall distribute an updated gold and fish pamphlet that describes methods of mineral prospecting that are consistent with the department's rule. The pamphlet shall be written to clearly indicate the prospecting methods that require ~~((written approval))~~ a permit under this chapter and the prospecting methods that require compliance with the pamphlet. To the extent possible, the department shall use the provisions of the gold and fish pamphlet to minimize the number of specific provisions of a written ~~((approval))~~ permit issued under this chapter.

~~((4))~~ For the purposes of this chapter, "small scale prospecting and mining" means only the use of the following methods: Pans, nonmotorized sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals~~((;))~~

**Sec. 403.** RCW 77.55.280 and 2001 c 253 s 54 are each amended to read as follows:

When a private landowner is applying for ~~((hydraulic project approval))~~ a permit under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in RCW 77.55.300 ~~((as recodified by this act))~~, the department shall comply with the terms of that agreement when evaluating the request for ~~((hydraulic project approval))~~ a permit.

**Sec. 404.** RCW 77.55.300 and 2000 c 107 s 229 are each amended to read as follows:

(1) Beginning in January 1998, the department ~~((of fish and wildlife))~~ and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for ~~((hydraulic project approval))~~ a permit or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: (a) A description of the property covered by the agreement~~((;))~~; (b) an expiration date~~((;))~~; (c) a description of the condition of the property prior to the implementation of the agreement~~((;))~~; and (d) other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department ~~((of fish and wildlife))~~ may stipulate the factors that will be considered when the department evaluates a landowner's application for ~~((hydraulic project approval under RCW 77.55.100 or 77.55.110))~~ a permit on property covered by the agreement. The department's identification of

these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of ~~((hydraulic project approval shall))~~ a permit must be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department of natural resources evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The ~~((department's))~~ department of natural resources' identification of these evaluation factors shall be in concurrence with the department ~~((of fish and wildlife))~~ and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**Sec. 405.** RCW 77.55.130 and 2000 c 107 s 18 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to ~~((RCW 77.55.100 and 77.55.110))~~ section 202 of this act are met.

## PART 5 SPECIAL PERMITS

**Sec. 501.** RCW 77.55.200 and 1991 c 279 s 1 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of ~~((hydraulic))~~ permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a ~~((hydraulic))~~ permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing~~((;))~~. However, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations; and

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) Any person aggrieved by the approval, denial, conditioning, or modification of a ~~((hydraulic))~~ permit ~~((approval))~~ under this section may formally appeal the decision to the ~~((hydraulic appeals))~~ board pursuant to this chapter.

**Sec. 502.** RCW 77.55.220 and 2002 c 368 s 7 are each amended to read as follows:

(1) ~~((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~((a) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live aboard boating accommodations.~~

~~((b) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.~~



~~(2))~~ For a marina or marine terminal in existence on June 6, 1996, or a marina or marine terminal that has received a ~~((hydraulic project approval))~~ permit for its initial construction, a renewable, five-year ~~((hydraulic project approval))~~ permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

~~((3))~~ (2) Upon construction of a new marina or marine terminal that has received ~~((hydraulic project approval))~~ a permit, a renewable, five-year ~~((hydraulic project approval))~~ permit shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

~~((4))~~ (3) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina or marine terminal to the conditions approved in the initial ~~((hydraulic project approval))~~ permit. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

~~((5))~~ (4) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin.

**Sec. 503.** RCW 77.55.340 and 2002 c 368 s 4 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, all ~~((hydraulic project approvals))~~ permits related to storm water discharges must follow the provisions established in this section.

(2) ~~((Hydraulic project approvals))~~ Permits issued in locations covered by a national pollution discharge elimination system municipal storm water general permit may not be conditioned or denied for water quality or quantity impacts arising from storm water discharges. A ~~((hydraulic project approval))~~ permit is required only for the actual construction of any storm water outfall or associated structures pursuant to this chapter.

(3)(a) In locations not covered by a national pollution discharge elimination system municipal storm water general permit, the department may issue ~~((hydraulic project approvals))~~ permits that contain provisions that protect fish life from adverse effects, such as scouring or erosion of the bed of the water body, resulting from the direct hydraulic impacts of the discharge.

(b) Prior to the issuance of a ~~((hydraulic project approval))~~ permit issued under this subsection (3), the department must:

(i) Make a finding that the discharge from the outfall will cause harmful effects to fish life;

(ii) Transmit the findings to the applicant and to the city or county where the project is being proposed; and

(iii) Allow the applicant an opportunity to use local ordinances or other mechanisms to avoid the adverse effects resulting from the direct hydraulic discharge. The forty-five day requirement for ~~((hydraulic project approval))~~ permit issuance ~~((pursuant to RCW 77.55.100))~~ under section 201 of this act is suspended during the time period the department is meeting the requirements of this subsection (3)(b).

(c) After following the procedures set forth in (b) of this subsection, the department may issue a ~~((hydraulic project approval))~~ permit that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. The department may recommend, but not specify, the measures required to meet these discharge rates. The department may not require changes to the project design above the mean higher high water mark of marine waters, or the ordinary high water mark of freshwaters of the state. Nothing in this section alters any authority the department may have to regulate other types of projects under this chapter.

**Sec. 504.** RCW 77.55.210 and 1995 c 378 s 14 are each amended to read as follows:

A ~~((hydraulic project approval))~~ permit required by the department for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510.

**Sec. 505.** RCW 77.55.290 and 2001 c 253 s 55 are each amended to read as follows:

(1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (a) and (b) of this subsection:

(a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made fish passage barriers, including culvert repair and replacement;

(ii) Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(b) A fish habitat enhancement project must be approved in one of the following ways:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

- (ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
- (iii) By the department as a department-sponsored fish habitat enhancement or restoration project;
- (iv) Through the review and approval process for the jobs for the environment program;
- (v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;
- (vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; and
- (vii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3) ~~((Hydraulic project approval))~~ (a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the ~~((department of ecology))~~ permit assistance center to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. ~~((In no more than))~~ Within forty-five days, the department shall either issue ~~((hydraulic project approval))~~ a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by ~~((hydraulic project approval))~~ the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(b) Any person aggrieved by the approval, denial, conditioning, or modification of ~~((hydraulic project approval))~~ a permit under this section may formally appeal the decision to the ~~((hydraulic appeals))~~ board pursuant to the provisions of this chapter.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

**Sec. 506.** RCW 77.55.160 and 1998 c 190 s 89 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) The department shall not issue ~~((hydraulic project approval))~~ a permit to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as determined by the department.

(b) A person shall not divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The commission may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

**NEW SECTION. Sec. 507.** A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2) shall serve as a permit for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

**Sec. 508.** RCW 77.55.010 and 1993 sp.s. c 2 s 28 are each amended to read as follows:

The department ~~((of fish and wildlife))~~, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

**NEW SECTION. Sec. 509.** (1) The department shall, at the request of a county, develop five-year maintenance permit agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for

work on public and private property for bank stabilization, bridge repair, removal of sandbars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(2) The department shall, at the request of any person or government agency, develop a renewable five-year maintenance permit agreement or a permit mitigation agreement to allow for work on public and private property for bank stabilization, bridge repair, removal of sandbars and debris, channel maintenance, and other flood damage repair and reduction activity under reasonable, agreed-upon conditions and times without obtaining permits for specific projects.

## PART 6 DENIAL OR CONDITIONING OF PERMIT

**Sec. 601.** RCW 77.55.350 and 2002 c 368 s 5 are each amended to read as follows:

Conditions imposed upon ~~((hydraulic project approvals))~~ a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

**Sec. 602.** RCW 77.55.230 and 1996 c 276 s 1 are each amended to read as follows:

(1) The legislature finds that the construction of hydraulic projects may require mitigation for the protection of fish life, and that the mitigation may be most cost-effective and provide the most benefit to the fish resource if the mitigation is allowed to be applied in locations that are off-site of the hydraulic project location. The department may approve off-site mitigation plans that are submitted by hydraulic project permit applicants.

(2) If a hydraulic project permit applicant proposes off-site mitigation and the department does not approve the hydraulic permit or conditions the permit approval in such a manner as to render off-site mitigation unpracticable, the hydraulic project proponent must be given the opportunity to submit the hydraulic project permit application to the ~~((hydraulic appeals))~~ board for approval.

**Sec. 603.** RCW 77.55.090 and 2000 c 107 s 15 are each amended to read as follows:

When reviewing a mitigation plan under ~~((RCW 77.55.100 or 77.55.110))~~ section 201 of this act, the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

**Sec. 604.** RCW 77.55.120 and 2000 c 107 s 17 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a ~~((hydraulic))~~ permit ~~((approval))~~ issued ~~((pursuant to RCW 77.55.100 or 77.55.110))~~ under section 201 of this act, the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**Sec. 605.** RCW 77.55.250 and 2000 c 107 s 21 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled ~~((under the provisions of RCW 75.20.300))~~ prior to 1995 for flood control and dredging projects located in the Cowlitz river from mile twenty-two to the confluence with the Columbia river, and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile twelve, and to river mile three on the South Fork Toutle river, and volcano-affected areas of the Columbia river.

## PART 7 PENALTIES

**Sec. 701.** RCW 77.55.140 and 2000 c 107 s 19 are each amended to read as follows:

(1) The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of ~~((RCW 77.55.100 or 77.55.110))~~ section 201 of this act. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation.

(2) Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty.

(3) The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

## PART 8 APPEALS

**NEW SECTION. Sec. 801.** (1) An expedited dispute resolution process is created to resolve disputes regarding permits issued or denied under this chapter. The expedited dispute resolution process may be initiated by a project applicant at any point prior to issuance or denial of the final permit. The forty-five day period for permit issuance or denial shall not be suspended while the dispute is resolved.

(2) When a project applicant requests the expedited dispute resolution process, the department must convene an expedited dispute resolution process committee within fourteen days. The expedited dispute resolution process committee consists of four members:

- (a) The project contractor or engineer;
- (b) A department engineer;
- (c) The department's regional program manager; and
- (d) An engineer or public works official designated by the local government with jurisdiction over the project.

(3) The expedited dispute resolution process committee must conduct a project review to determine whether the conditions in the proposed permit are reasonable and necessary to protect fish life. By majority vote, the committee may accept the permit conditions, reject the permit conditions and return the permit to the department for subsequent review, or determine alternative conditions to be included in the final permit.

(4) The department must provide to each project applicant notice of the applicant's right to an expedited dispute resolution process, and the procedures for informal and formal appeal. This information must also include:

- (a) Contact information for the department employee who will be reviewing the project;
- (b) Contact information for the department's regional program manager responsible for overseeing the regional hydraulic project activities at any point prior to the approval or denial of a permit;
- (c) The proper address to which requests for expedited dispute resolution must be sent; and
- (d) The proper address to which informal or formal appeals must be sent.

**NEW SECTION. Sec. 802.** (1) Issuance, denial, conditioning, or modification of a permit is appealable to the board within thirty days of the notice of decision.

(2) The burden of proof shall be upon the department to show that the denial or conditioning of a permit is solely aimed at the protection of fish life.

**Sec. 803.** RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:

(1) There is (~~hereby~~) created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board (~~shall~~) consists of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department (~~whose action is appealed under subsection (6) of this section~~). A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it (~~and that~~). The finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a (~~hydraulic approval~~) permit issued by the department (~~(a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off-site mitigation proposals~~).

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a (~~hydraulic approval pursuant to RCW 77.55.110~~) permit under section 201 of this act may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of (~~such approval~~) the permit.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 804.** RCW 77.55.180 and 1995 c 382 s 7 are each amended to read as follows:

(1) In all appeals, the ((hydraulic appeals)) board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions, but such powers shall be exercised in conformity with chapter 34.05 RCW.

(2) In all appeals, the ((hydraulic appeals)) board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings.

(3) All proceedings before the ((hydraulic appeals)) board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. Such rules shall be published and distributed.

(4) Judicial review of a decision of the ((hydraulic appeals)) board may be obtained only pursuant to RCW 34.05.510 through 34.05.598.

## **PART 9 FISHWAYS, FLOW, AND SCREENING**

**Sec. 901.** RCW 77.55.040 and 1998 c 190 s 85 are each amended to read as follows:

(1) A diversion device used for conducting water from a lake, river, or stream for any purpose shall be equipped with a fish guard approved by the director to prevent the passage of fish into the diversion device. The fish guard shall be maintained at all times when water is taken into the diversion device. The fish guards shall be installed at places and times prescribed by the director upon thirty days' notice to the owner of the diversion device.

(2) Each day the diversion device is not equipped with an approved fish guard is a separate offense. If within thirty days after notice to equip a diversion device the owner fails to do so, the director may take possession of the diversion device and close the device until it is properly equipped. Expenses incurred by the department constitute the value of a lien upon the diversion device and upon the real and personal property of the owner. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the action is taken.

**Sec. 902.** RCW 77.55.050 and 1993 sp.s. c 2 s 29 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director notice of each application for a permit to divert or store water. The director has thirty days after receiving the notice to state his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director of ecology, issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

**Sec. 903.** RCW 77.55.060 and 1998 c 190 s 86 are each amended to read as follows:

(1) A dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.

(2) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

(3) If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.

**Sec. 904.** RCW 77.55.320 and 2001 c 253 s 48 are each amended to read as follows:

(1) A person shall not divert water from a lake, river, or stream containing game fish unless the water diversion device is equipped at or near its intake with a fish guard or screen to prevent the passage of game fish into the device and, if necessary, with a means of returning game fish from immediately in front of the fish guard

or screen to the waters of origin. A person who was, on June 11, 1947, otherwise lawfully diverting water from a lake, river, or stream shall not be deemed guilty of a violation of this section.

(2) Plans for the fish guard, screen, and bypass shall be approved by the director prior to construction. The installation shall be approved by the director prior to the diversion of water.

(3) The director or the director's designee may close a water diversion device operated in violation of this section and keep it closed until it is properly equipped with a fish guard, screen, or bypass.

## **PART 10 MISCELLANEOUS**

**NEW SECTION. Sec. 1001.** The following sections are each codified or recodified in chapter 77.55 RCW in the following order:

Section 101 of this act  
Section 102 of this act  
Section 201 of this act  
Section 202 of this act  
Section 203 of this act  
Section 301 of this act  
RCW 77.55.330  
Section 303 of this act  
RCW 77.55.030  
RCW 77.55.360  
RCW 77.55.150  
RCW 77.55.270  
RCW 77.55.020  
RCW 77.55.280  
RCW 77.55.300  
RCW 77.55.130  
RCW 77.55.200  
RCW 77.55.220  
RCW 77.55.340  
RCW 77.55.210  
RCW 77.55.290  
RCW 77.55.160  
Section 507 of this act  
RCW 77.55.010  
Section 509 of this act  
RCW 77.55.350  
RCW 77.55.230  
RCW 77.55.090  
RCW 77.55.120  
RCW 77.55.260  
RCW 77.55.250  
RCW 77.55.140  
Section 801 of this act  
Section 802 of this act  
RCW 77.55.170  
RCW 77.55.180.

**NEW SECTION. Sec. 1002.** The following sections are each recodified as a new chapter in Title 77 RCW in the following order:

RCW 77.55.040  
RCW 77.55.050  
RCW 77.55.060  
RCW 77.55.070  
RCW 77.55.080  
RCW 77.55.310  
RCW 77.55.320  
RCW 77.55.240.

**Sec. 1003.** RCW 76.09.050 and 2002 c 121 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, (~~RCW 77.55.100~~) section 201 of this act;

(c) Within "shorelines of the state" as defined in RCW 90.58.030;

(d) Excluded from Class II by the board; or

(e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, (d) involving timber harvesting or road construction on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides: (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or (ii) a conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application, and/or (e) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and

directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or

(ii) On lands that have or are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b)(i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

**Sec. 1004.** RCW 77.12.865 and 2002 c 20 s 2 are each amended to read as follows:

(1) As used in this section and RCW 77.12.870, "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, crab pots, shrimp pots, and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels.

(2) The department, in partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must publish guidelines for the safe removal and disposal of derelict fishing gear. The guidelines must be completed by August 31, 2002, and made available to any person interested in derelict fishing gear removal.

(3) Derelict fishing gear removal conducted in accordance with the guidelines prepared in subsection (2) of this section is not subject to permitting under (~~RCW 77.55.100~~) section 201 of this act.



**Sec. 1005.** RCW 77.65.250 and 2000 c 107 s 46 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of ((RCW 77.55.100)) section 201 of this act are fulfilled for the proposed activity.

**NEW SECTION. Sec. 1006.** The following acts or parts of acts are each repealed:

RCW 77.55.100 (Hydraulic projects or other work--Plans and specifications--Permits--Approval--Emergencies) and 2002 c 368 s 2, 2000 c 107 s 16, & 1998 c 190 s 87;

RCW 77.55.110 (Hydraulic projects for irrigation, stock watering, or streambank stabilization--Plans and specifications-- Approval--Emergencies) and 2002 c 368 s 3, 1998 c 190 s 88, 1993 sp.s. c 2 s 32, 1991 c 322 s 31, 1988 c 272 s 2, 1988 c 36 s 34, & 1986 c 173 s 2; and

RCW 77.55.190 (Processing of permits or authorizations for emergency water withdrawal and facilities to be expedited) and 1989 c 171 s 8 & 1987 c 343 s 6.

**NEW SECTION. Sec. 1007.** Part headings used in this act are not any part of the law."

Correct the title.

Signed by Representatives Cooper, Chairman; Berkey, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives O'Brien and Upthegrove.

Referred to Committee on Appropriations.

April 2, 2003

ESB 5379 Prime Sponsor, Senator Stevens: Revising rules for public access to dependency hearings.  
Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.115 and 2000 c 122 s 12 are each amended to read as follows:

(1) All hearings (~~may~~) shall be public, and conducted at any time or place within the limits of the county, (~~and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court~~) except if the judge finds that excluding the public is in the best interests of the child.

(2) At the request of either parent, the court may exclude the public if the judge finds that it is in the best interests of the child.

(3) If the public is excluded from the hearing, the following people may attend the closed hearing unless the judge finds it is not in the best interests of the child:

(a) The child's relatives;

(b) The child's foster parents if the child resides in foster care; and

(c) Any person requested by the parent.

(4) Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

(5) The court may seal the court record if the judge determines it is in the best interests of the child.

(6) Any electronic record of the proceedings may not be released or opened for public inspection."

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5384 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Regulating utility services and connection charges for certain mobile home parks. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, after "(2)" strike all material through "retroactively." on page 2, line 1, and insert "Cities, towns, and counties are prohibited from requiring existing mobile home parks to pay a sewer service availability charge, standby charge, consumption charge, or any other similar types of charges associated with available but unused sewer service, including any interest or penalties for nonpayment or enforcement charges, until the mobile home park connects to the sewer service. This act is remedial in nature and applies retroactively to 1993."

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 3, 2003

ESB 5389 Prime Sponsor, Senator Benton: Managing clean and sober housing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) For the purpose of this section, "drug and alcohol free housing" requires a rental agreement and means a dwelling in which:

(a) Each of the dwelling units on the premises is occupied or held for occupancy by at least one tenant who is a recovering alcoholic or drug addict and is participating in a program of recovery;

(b) The landlord is a nonprofit corporation incorporated under Title 24 RCW, a corporation for profit incorporated under Title 23B RCW, or a housing authority created under chapter 35.82 RCW;

(c) The landlord provides:

(i) A drug and alcohol free environment, covering all tenants, employees, staff, agents of the landlord, and guests;

(ii) An employee who monitors the tenants for compliance with the requirements of (d) of this subsection;

(iii) Individual and group support for recovery; and

(iv) Access to a specified program of recovery; and

(d) The rental agreement is in writing and includes the following provisions:

(i) The tenant may not use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, either on or off the premises;

(ii) The tenant may not allow the tenant's guests to use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, on the premises;

(iii) The tenant must participate in a program of recovery, which specific program is described in the rental agreement;

(iv) On at least a quarterly basis the tenant must provide written verification from the tenant's program of recovery that the tenant is participating in the program of recovery and the tenant has not used alcohol or illegal drugs;

(v) The landlord has the right to require the tenant to take a urine analysis test regarding drug or alcohol usage, at the landlord's discretion and expense; and

(vi) The landlord has the right to terminate the tenant's tenancy by delivering a three-day notice to terminate with one day to comply, if a tenant living in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription.

(2) For the purpose of this section, "program of recovery" means a verifiable program of counseling and rehabilitation treatment services, including a written plan, to assist recovering alcoholics or drug addicts to recover from their addiction to alcohol or illegal drugs while living in drug and alcohol free housing. A "program of recovery" includes Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

(3) If a tenant living for less than two years in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, the landlord may deliver a written notice to the tenant terminating the tenancy for cause as provided in this subsection. The

notice must specify the acts constituting the drug or alcohol violation and must state that the rental agreement terminates in not less than three days after delivery of the notice, at a specified date and time. The notice must also state that the tenant can cure the drug or alcohol violation by a change in conduct or otherwise within one day after delivery of the notice. If the tenant cures the violation within the one-day period, the rental agreement does not terminate. If the tenant does not cure the violation within the one-day period, the rental agreement terminates as provided in the notice. If substantially the same act that constituted a prior drug or alcohol violation of which notice was given reoccurs within six months, the landlord may terminate the rental agreement upon at least three days' written notice specifying the violation and the date and time of termination of the rental agreement. The tenant does not have a right to cure this subsequent violation.

(4) Notwithstanding subsections (1), (2), and (3) of this section, housing that is occupied on other than a transient basis by persons who are required to abstain from possession or use of alcohol or drugs as a condition of occupancy and who pay for the use of the housing on a periodic basis, without regard to whether the payment is characterized as rent, program fees, or other fees, costs, or charges, are covered by this chapter."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5409 Prime Sponsor, Senate Committee On Land Use & Planning: Providing for direct petition annexations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 2, at the beginning of line 7, strike "property" and insert "acreage"

On page 10, line 14, after "of the" strike "property" and insert "acreage"

On page 11, line 19, strike "and is sufficient according to the rules set forth in RCW 35A.01.040"

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 2, 2003

SB 5410 Prime Sponsor, Senator Stevens: Revising information available on the statewide registered sex offender web site. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed

by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources (~~other than state funds~~), the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) A local law enforcement agency may post level II and level III community notification bulletins on the agency's web site for sex offenders residing within the agency's jurisdiction.

(7) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

~~((7))~~ (8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

~~((8))~~ (9) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~((9))~~ (10) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

~~((10))~~ (11) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee ~~((of for))~~ or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Lovick and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi.

Referred to Committee on Appropriations.

April 2, 2003

SB 5413 Prime Sponsor, Senator Benton: Allowing out-of-state licensees to practice commercial real estate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 4, line 15, strike everything after "(a)" and insert "Is licensed with and works under the direct supervision of an out-of-state broker who meets all of the requirements under subsection (1) of this section; and

(b) Provides the Washington broker who is working in cooperation with the out-of-state broker with whom the salesperson or associate broker is associated with a copy of the salesperson's or associate broker's current license in good standing from the jurisdiction where the out-of-state salesperson or associate broker maintains an active real estate license in connection with the out-of-state broker.

(3) A person licensed in a jurisdiction where there is no legal distinction between a real estate broker license and a real estate salesperson license must meet the requirements of subsection (1) of this section before engaging in any activity described in this section that requires a real estate broker license in this state."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5429 Prime Sponsor, Senator Mulliken: Authorizing the Performance Registration Information Systems Management Program (PRISM). Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5434 Prime Sponsor, Senate Committee On Commerce & Trade: Concerning certified electricians. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 31, strike all of subsection (7) and insert the following:

"(7) This chapter does not require an electrical contractor license if: (a) An appropriately certified electrician or a properly supervised certified electrical trainee is performing the installation, repair, or maintenance of wires and equipment for a nonprofit corporation that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501 (c)(3) or a nonprofit religious organization; (b) the certified electrician or certified electrical trainee is not compensated for the electrical work; and (c) the value of the electrical work does not exceed thirty thousand dollars."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5437 Prime Sponsor, Senator Benton: Allowing all parties to appeal from adverse decisions of school district regional committees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.315.205 and 1999 c 315 s 402 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the state board under chapter 34.05 RCW.

(4) State board rules under subsection (3) of this section shall provide for giving primary consideration to ~~((all of the following:~~

~~(a) The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;~~

~~((b))~~ student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates. The following secondary factors then shall be considered in order of importance as listed in this subsection:

(a) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

~~((c))~~ (b) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

~~((d))~~ (c) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

~~((e))~~ (d) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee ~~((to approve a change in school district organization))~~ to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any

such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570."

Correct the title.

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; McMahan and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunter and Rockefeller.

Passed to Committee on Rules for second reading.

April 4, 2003

ESSB 5448 Prime Sponsor, Senate Committee On Higher Education: Changing tuition provisions for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Public higher education funding is a shared responsibility between the state, students, and the public colleges and universities. Periodic increases in state funding, state financial aid, and tuition must be authorized to provide quality higher education for the citizens of Washington. It is the intent of the legislature to authorize the governing boards to establish tuition rates for all students other than resident undergraduates for a six-year period.

**Sec. 2.** RCW 28B.15.031 and 1996 c 142 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That a minimum of three and one-half percent of operating fees shall be retained by the institutions(~~(, except the technical colleges,)~~) for the purposes of RCW 28B.15.820. Local operating fee accounts shall not be subject to appropriation by the legislature or allotment procedures under chapter 43.88 RCW.

**Sec. 3.** RCW 28B.15.066 and 2000 c 152 s 2 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level(~~(, but within the over-enrollment limitations,))~~ specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue foregone as a result of or for waivers granted under RCW 28B.15.915.

**Sec. 4.** RCW 28B.15.067 and 1997 c 403 s 1 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

~~(2) ((Academic year tuition for full-time students at the state's institutions of higher education for the 1997-98 academic year, other than the summer term, shall be as provided in this subsection.~~

~~(a) At the University of Washington and Washington State University:~~

~~(i) For resident undergraduate students and other resident students not in graduate, law, or first professional programs, two thousand nine hundred eighty-eight dollars;~~

~~(ii)(A) For nonresident undergraduate students and other nonresident students at the University of Washington not in graduate, law, or first professional programs, ten thousand two hundred seventy-eight dollars;~~

~~(B) For nonresident undergraduate students and other nonresident students at Washington State University not in graduate or first professional programs, nine thousand eight hundred seventy dollars;~~

~~(iii) For resident graduate students, four thousand eight hundred fifty-four dollars;~~

~~(iv) For nonresident graduate students, twelve thousand five hundred eighty-eight dollars;~~

~~(v) For resident law students, five thousand ten dollars;~~

~~(vi) For nonresident law students, twelve thousand nine hundred fifteen dollars;~~

~~(vii) For resident first professional students, eight thousand one hundred twelve dollars; and~~

~~(viii) For nonresident first professional students, twenty-one thousand twenty-four dollars.~~

~~(b) At the regional universities and The Evergreen State College:~~

~~(i) For resident undergraduate and all other resident students not in graduate programs, two thousand two hundred eleven dollars;~~

~~(ii) For nonresident undergraduate and all other nonresident students not in graduate programs, eight thousand six hundred forty-six dollars;~~

~~(iii) For resident graduate students, three thousand seven hundred twenty-six dollars; and~~

~~(iv) For nonresident graduate students, eleven thousand nine hundred seventy-six dollars.~~

~~(c) At the community colleges:~~

~~(i) For resident students, one thousand three hundred eleven dollars; and~~

~~(ii) For nonresident students, five thousand five hundred eighty-six dollars.~~

~~(3) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 1998-99 academic year, other than the summer term, shall be as provided in this subsection unless different rates are adopted in the omnibus appropriations act.~~

~~(a) At the University of Washington and Washington State University:~~

~~(i) For resident undergraduate students and other resident students not in graduate, law, or first professional programs, three thousand one hundred eight dollars;~~

~~(ii)(A) For nonresident undergraduate students and other nonresident students at the University of Washington not in graduate, law, or first professional programs, eleven thousand one hundred thirty dollars;~~

~~(B) For nonresident undergraduate students and other nonresident students at Washington State University not in graduate or first professional programs, ten thousand two hundred sixty-six dollars;~~

~~(iii) For resident graduate students, five thousand forty-six dollars;~~

~~(iv) For nonresident graduate students, thirteen thousand ninety-two dollars;~~

~~(v) For resident law students, five thousand three hundred seventy-six dollars;~~

~~(vi) For nonresident law students, thirteen thousand seven hundred eighty-two dollars;~~

~~(vii) For resident first professional students, eight thousand four hundred thirty-six dollars; and~~

~~(viii) For nonresident first professional students, twenty-one thousand eight hundred sixty-four dollars.~~

~~(b) At the regional universities and The Evergreen State College:~~

~~(i) For resident undergraduate and all other resident students not in graduate programs, two thousand two hundred ninety-eight dollars;~~

~~(ii) For nonresident undergraduate and all other nonresident students not in graduate programs, eight thousand nine hundred ninety-one dollars;~~

~~(iii) For resident graduate students, three thousand eight hundred seventy-six dollars; and~~

~~(iv) For nonresident graduate students, twelve thousand four hundred fifty-six dollars.~~

~~(c) At the community colleges:~~

~~(i) For resident students, one thousand three hundred sixty-two dollars; and~~

~~(ii) For nonresident students, five thousand eight hundred eight dollars.~~

~~(4) For the 1997-98 and 1998-99 academic years, the University of Washington shall use at least ten percent of the revenue received from the difference between a four percent increase in tuition fees and the actual~~



increase charged to law students to assist needy low and middle income resident law students. For the 1997-98 and 1998-99 academic years, the University of Washington shall use at least ten percent of the revenue received from the difference between a four percent increase in tuition fees and the actual increase charged to nonresident undergraduate students and all other nonresident students not in graduate, law, or first professional programs to assist needy low and middle income resident undergraduate students and all other resident students not enrolled in graduate, law, or first professional programs. This requirement is in addition to the deposit requirements of the institutional aid fund under RCW 28B.15.820.

~~(5))~~ For the 2003-04 academic year and each academic year thereafter, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students. Beginning with the 2009-10 academic year and each academic year thereafter, reductions or increases in full-time tuition fees for all students other than resident undergraduate students, other than for summer term, shall be as provided in the omnibus appropriations act.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through ((28A.600.395)) 28A.600.400.

(5) For each of the academic years 2003-04 through 2008-09, institutions of higher education shall increase the amount of institutional financial aid made available to financially needy resident graduate, law, and professional students by the same percentage increase as the respective increase in tuition for resident graduate, law, and professional students adopted under subsection (3) of this section.

**Sec. 5.** RCW 28B.15.069 and 1997 c 403 s 2 are each amended to read as follows:

~~(1) ((As used in this section, each of the following subsections is a separate tuition category:~~

~~(a) Resident undergraduate students and all other resident students not in first professional, graduate, or law programs;~~

~~(b) Nonresident undergraduate students and all other nonresident students not in first professional graduate or law programs;~~

~~(c) Resident graduate students;~~

~~(d) Resident law students;~~

~~(e) Nonresident graduate students;~~

~~(f) Nonresident law students;~~

~~(g) Resident first professional students; and~~

~~(h) Nonresident first professional students.~~

~~(2) Unless the context clearly requires otherwise, as used in this section "first professional programs" means programs leading to one of the following degrees: Doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine.~~

~~(3))~~ The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

~~((4))~~ (2) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for ((the applicable tuition category)) resident undergraduate students, as provided in the omnibus appropriations act: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

~~((5))~~ (3) Tuition and services and activities fees consistent with subsection ((4)) (2) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

~~((6))~~ (4) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

**Sec. 6.** RCW 28B.15.100 and 1999 c 321 s 2 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the

particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. The total of all fees shall be rounded to the nearest whole dollar amount: PROVIDED, That such tuition fees (~~(for other than the summer term)~~) shall be (~~(in the amounts for the respective institutions as otherwise set forth in)~~) established in accordance with RCW 28B.15.067.

(2) Part-time students shall be charged tuition and services and activities fees proportionate to full-time student rates established for residents and nonresidents: PROVIDED, That except for students registered at community colleges, students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, doctor of pharmacy, or law, or who are registered exclusively in required courses in vocational preparatory programs."

Correct the title.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Priest, Assistant Ranking Minority Member; Berkey; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Cox, Ranking Minority Member; Boldt; Buck; Chase and Clements.

Referred to Committee on Appropriations.

ESB 5450 Prime Sponsor, Senator Horn: Providing incentives to reduce air pollution through the use of neighborhood electric vehicles. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read as follows:

"Motor vehicle" (~~shall~~) means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Motor vehicle" includes a neighborhood electric vehicle as defined in section 2 of this act. An electric personal assistive mobility device is not considered a motor vehicle.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.04 RCW to read as follows:

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

**Sec. 3.** RCW 46.37.010 and 1997 c 241 s 14 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to neighborhood electric vehicles, motorcycles, or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Absent prohibition by local authorities authorized under this section and except as prohibited elsewhere in this section, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less if:

(a) The person does not operate a neighborhood electric vehicle upon state highways that are listed in chapter 47.17 RCW;

(b) The person does not operate a neighborhood electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter 46.16 RCW;

(c) The person does not operate a neighborhood electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a neighborhood electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

(e) The person operating a neighborhood electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities provided elsewhere in this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of neighborhood electric vehicles on streets and highways under their jurisdiction, including the prohibition of neighborhood electric vehicles on certain streets and highways, by resolution or ordinance of the governing body, if the regulation is consistent with the provisions of this title, except that:

(a) Local authorities may not authorize the operation of neighborhood electric vehicles on streets and highways that are part of the state highway system subject to the provisions of Title 47 RCW; and

(b) Local authorities are prohibited from establishing any requirements for the registration and licensing of neighborhood electric vehicles.

**Sec. 5.** RCW 46.61.688 and 2002 c 328 s 2 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500;

(d) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

~~((d))~~ (e) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208 and to neighborhood electric vehicles. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

**Sec. 6.** RCW 46.61.687 and 2000 c 190 s 2 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

NEW SECTION. **Sec. 7.** This act takes effect August 1, 2003."

Correct the title.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Priest, Assistant Ranking Minority Member; Berkey; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Cox, Ranking Minority Member; Boldt; Buck; Chase and Clements.

Referred to Committee on Appropriations.

April 3, 2003

SSB 5452 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Regulating check cashers and sellers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

SSB 5457 Prime Sponsor, Senate Committee On Highways & Transportation: Posting hazards to motorcycles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5473 Prime Sponsor, Senate Committee On Judiciary: Requiring the criminal justice training commission to train officers on interacting with persons with a developmental disability or mental illness. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5474 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Creating a kinship caregiver's authorization affidavit. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to assist children in the care of kin to access appropriate medical and education services. Children being raised by kin have faced barriers to medical care and school attendance because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with school officials and health professionals when children are left in their care with little warning. To assist kinship caregivers in executing adequate and appropriate decisions regarding the educational and medical needs of a child in their care, a kinship caregiver's authorization affidavit is hereby created.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:  
Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 5 of this act.

(1) "Kinship caregiver" means a person eighteen years of age or older who provides kinship care services to a child who resides with the caregiver and to whom the child is related by blood, adoption, marriage, or former marriage, including a brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great."

(2) "Kinship care services" means parent-like services and support provided to a child by a kinship caregiver.

(3) For a child defined as an "Indian child" under the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., the definition of "extended family member" under the federal Indian child welfare act shall apply.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A kinship caregiver who completes items 1 through 10 of the affidavit provided in section 5 of this act and signs the affidavit is authorized to enroll a child in school and consent to school-related medical care on behalf of the child in his or her care.

(2) A kinship caregiver who completes item 11 of the affidavit provided in section 5 of this act and signs the affidavit is authorized to consent, on behalf of the child in his or her care, to dental care and such medical care as necessary to preserve the life or health of the child.

(3) The affidavit shall not be valid if a kinship caregiver is unlawfully harboring a minor, pursuant to RCW 13.32A.080.

(4) The affidavit shall be in effect for twelve months after the date on which it is executed, and renewable every twelve months thereafter.

(5) The authority of a kinship caregiver to consent to or to refuse medical or dental care for a child is subordinate to any decision of the parent or other person having legal custody of the child, provided the decision of the parent or other person having legal custody of the child does not jeopardize the life, health, or safety of the child.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A person who acts in good faith reliance on a kinship caregiver's authorization affidavit, provided in section 5 of this act, to provide education services or medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such good faith reliance if the applicable portions of the affidavit are completed. This section applies even if education services or medical or dental care are provided to a child in contravention of the wishes of the parent or other person having legal custody of the child as long as the person providing the education services or medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the child.

(2) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

(3) Nothing in this section relieves any person from liability for violations of other provisions of law.

(4) If the child ceases to reside with the kinship caregiver, the kinship caregiver shall notify within three days, excluding weekends and holidays, any and every school, health care provider, carrier, or other person or entity to whom the kinship caregiver has provided the affidavit that the child no longer resides with the caregiver. No further consent to school enrollment or medical care shall be given by the former kinship caregiver once the child ceases to reside with the former caregiver.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows:

The kinship caregiver's authorization affidavit must be in substantially the following form:

Kinship Caregiver's Authorization Affidavit

Use of this affidavit is authorized by RCW 74.13.--- (section 3 of this act).

Instructions: Completion of items 1 through 10 and the signing of the affidavit is required in order to authorize enrollment of a child in school and authorize school-related medical care. Completion of item 11 is

required to authorize any other medical care. Completion of Section A and Section B, C, D, or E, as applicable, is additionally required for the affidavit to be valid. Print clearly.

The child named below resides with me and I am eighteen years of age or older.

1. Name of child:
2. Child's birth date:
3. My name (adult executing this document):
4. My home address:
5. My telephone numbers:
6. My date of birth:
7. My driver's license or state identification card number:
8. I do not have a driver's license or state identification card number, and instead offer the following government-issued identification:

(Document and number)

9.  I am the kinship caregiver for the child named in this form (check the box at the beginning of this item). My relationship to the child is

10. Check one or both of the following (for example if one parent can be located and the other cannot):

I have advised the parent(s) or other person(s) having legal custody of the child of my intent to enroll the child in school and to consent to school-related medical care. The parent(s) or legal custodian(s) did not object to my assumption of this authority.

Name/address of parent(s) or legal custodian(s) who were notified:

Date of notification:

I was unable to contact the parent(s) or other person(s) having legal custody of the child to notify them of my intent to assume this authority to enroll the child in school and consent to school- based medical care.

11. Check one or both of the following (for example if one parent can be located and the other cannot):

I have advised the parent(s) or other person(s) having legal custody of the child of my intent to consent to medical care for the child. The parent(s) or legal custodian(s) did not object to my assumption of this authority.

Name/address of parent(s) or legal custodian(s) who were notified:

Date of notification:

I was unable to contact the parent(s) or other person(s) having legal custody of the child to notify them of my intent to assume this authority to consent to medical care.

**TO THE KINSHIP CAREGIVER:**

If the parent(s) or legal custodian(s) cannot be located pursuant to item 10 or item 11 of this form, you must complete Section A below as proof of your efforts to reach the parent(s) or legal custodian(s). In addition, you must also complete one of the following: Section B, C, D, or E. It is required that you provide the information and complete the described action applicable to the appropriate sections.

Required Section A:

A.  I have sent a certified letter/notice to the parent(s) or legal custodian(s) of the child at their last known address. This letter/notice informed the parent(s) or legal custodian(s) that I intend to act as a caregiver and take educational or medical responsibility for the child. That letter/notice is attached along with the certified mail receipt documenting that the letter was not deliverable because the parent(s) or legal custodian(s) of the child was not at this location.

Required Section B, C, D, or E (mark at least one of the following):

B.  I, or a person acting on my behalf, (name) visited the last known address of the parent(s) or legal custodian(s).

Describe what was found at that visit. Include the following: The name of the person spoken to; that person's relationship to the parent(s) or legal custodian(s); what that person said; and any other related information that clarifies the situation.

OR

C.  I, or a person acting on my behalf, (name)

attempted to determine the location of the parent(s) or legal custodian(s) by contacting their places of employment, health care providers, or friends.

Describe the results of your inquiry. Include the following: The name of the employers, health care providers, or friends; and those individuals' responses to your request for the location of the parent(s) or legal custodian(s).

OR

D. ( ) I placed a notice in a newspaper informing the parent(s) or legal custodian(s) of (child's name) that I intend to take educational or medical responsibility for the child.

Eight days after publication, describe the results of the notice. Include the response that you received or the lack of response. Attach a copy of the notice, being sure to include a portion of the newspaper with the date that the notice was printed.

OR

E. ( ) I am attaching documents or confirmations that show that the parent(s) or legal custodian(s) cannot be found.

Attach any supporting documents.

---

**\*\*Warning: Signing this form if any of the statements above are incorrect may subject you to criminal or civil liability or both.\*\***

---

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: . . . . . Signed: . . . . .

Notices:

1. This declaration does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child, and does not mean that the kinship caregiver has legal custody of the child.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. The authority of the kinship caregiver executing this affidavit to consent to school enrollment or medical care shall expire not later than twelve months after the date on which it is executed.

Additional Information:

TO KINSHIP CAREGIVERS:

1. "Kinship caregiver" means a person eighteen years of age or older who provides kinship care services to a child who resides with the caregiver and to whom the caregiver is related by blood, adoption, marriage, or former marriage, including a brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great."

2. If the child ceases to reside with you, you are required to notify within three days, excluding weekends and holidays, every school, health care provider, carrier, or other person or entity to whom you have provided the affidavit.

3. Once the child ceases to reside with you, your authority to consent to school enrollment or medical care ends immediately and you are no longer allowed to make decisions on those matters.

4. It is a gross misdemeanor under RCW 13.32A.080 to unlawfully harbor a minor.

TO SCHOOL OFFICIALS:



1. This affidavit constitutes a sufficient basis for a determination of residency of the child, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the child is not residing with the kinship caregiver.

2. The school district may require additional reasonable evidence that the kinship caregiver resides at the address stated in the affidavit.

**TO HEALTH CARE PROVIDERS AND CARRIERS:**

1. A person who acts in good faith reliance on a kinship caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such reliance if the applicable portions of the affidavit are completed.

2. This affidavit does not create the status of dependent for health care coverage purposes."

Correct the title.

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

April 4, 2003

SB 5475 Prime Sponsor, Senator Horn: Limiting courses of instruction that are exclusive to research institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.115 and 1985 c 218 s 1 are each amended to read as follows:

The courses of instruction of both the University of Washington and Washington State University shall embrace as major lines, pharmacy, architecture, civil engineering, (~~electrical engineering,~~) mechanical engineering, chemical engineering, and forest management as distinguished from forest products and logging engineering which are exclusive to the University of Washington. These major lines shall be offered and taught at said institutions only.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) This section applies to any amendment to RCW 28B.10.115 after January 1, 2003, that changes the major lines of instruction exclusive to the University of Washington or Washington State University, including the amendments in chapter . . . , Laws of 2003 (this act).

(2) If a four-year institution requests approval under RCW 28B.80.340 of a new degree program that is the result of legislation enacted to change RCW 28B.10.115, the higher education coordinating board shall conduct an independent analysis using information from a variety of sources as part of the board's review of the proposed program, including but not limited to information submitted by the institution. Such information shall include:

(a) Detailed evidence of why the program is justified, including the size and scope of student, employer, and community demand for the program;

(b) The feasibility of using existing public or private capacity for the program and comparisons of the state cost of providing existing and proposed capacity. Any institution that offers programs under this section shall comply with all applicable state rules and regulations;

(c) Projected future enrollment in the program and substantiation of the enrollment estimates; and

(d) Additional information as requested by the board regarding demand, need, and cost-effectiveness of the program.

(3) The higher education coordinating board shall submit a complete analysis of a proposed program under this section to the higher education committees of the legislature at least one meeting before making a final determination regarding approval of the program. The board's final action is not contingent on legislative approval."

Correct the title.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5477 Prime Sponsor, Senator Shin: Requiring the delivery of endorsements by recording officers.  
Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 8, after "thereafter" insert "either"

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 2, 2003

ESSB 5492 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Revising provisions for sale of timeshares. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.36 RCW to read as follows:

(1) An effective registration pursuant to this chapter is required for any party to offer to sell a timeshare interest. A promoter who offers to sell or sells revocable timeshare interests in incomplete projects or facilities is limited by and must comply with all of the requirements of RCW 64.36.025. If a promoter seeks to enter into irrevocable purchase agreements with purchasers for timeshare interests in incomplete projects or facilities, the promoter must meet the requirements in this section in addition to RCW 64.36.020 and the following limitations and conditions apply:

(a) The promoter is limited to offering or selling only fee simple deeded timeshare interests;

(b) Construction on the project must have begun by the time the irrevocable purchase agreement is signed, and the purchaser must have the right to occupy the unit and use all contracted for amenities no later than within two years of the date that the irrevocable purchase agreement is signed;

(c) The promoter must establish an independent third-party escrow account for the purpose of protecting the funds or other property paid, pledged, or deposited by purchasers;

(d) The promoter's solicitations, advertisements, and promotional materials must clearly and conspicuously disclose that "THE PROJECT IS NOT YET COMPLETED; IT IS STILL UNDER CONSTRUCTION"; and

(e) The promoter's solicitations, advertisements, and promotional materials and the timeshare interest purchase agreement must clearly and conspicuously provide for and disclose the last possible estimated date for completion of construction of any building(s) the promoter is contractually obligated to the purchaser to complete.

(2) The timeshare interest purchase agreement must contain the following language in fourteen-point bold face type: "If the building in which the timeshare interest is located and all contracted for amenities are not completed by [estimated date of completion], the purchaser has the right to void the purchase agreement and is entitled to a full, unqualified refund of all moneys paid."

(3) One hundred percent of all funds or other property that is received from or on behalf of purchasers of timeshare interests prior to the occurrence of events required in this section must be deposited pursuant to a third-party escrow agreement approved by the director. For purposes of this section, "purchasers" includes all persons solicited, offered, or who purchase a timeshare interest by the promoter within the state of Washington. An escrow agent shall maintain the account only in such a manner as to be under the direct supervision and control of the escrow agent. The escrow agent has a fiduciary duty to each purchaser to maintain the escrow accounts in accordance with good accounting practices and to release the purchaser's funds or other property from escrow only in accordance with this chapter. Should the escrow agent receive conflicting demands for funds or property held in escrow, the escrow agent shall immediately notify the department of licensing of the dispute and the department shall determine if and how the funds should be distributed. If the purchaser, promoter, or escrow agent disagrees with the department's determination, the parties have the right to request an administrative

hearing under chapter 34.05 RCW. Funds may be released from the escrow account to the purchaser if the purchaser cancels within the cancellation period, or to the promoter only when all three of the following conditions occur:

- (a) The purchaser's cancellation period has expired;
- (b) Closing has occurred; and
- (c) Construction is complete and the building is ready to occupy.

(4) In lieu of depositing purchaser funds into an escrow account, the promoter may post with the department a bond in an amount equal to or greater than the amount that would otherwise be required to be placed into the escrow account.

(5) Any purchaser has the right to void the timeshare purchase agreement and request a full, unqualified refund if construction of the building in which the timeshare interest is located or all contracted for amenities are not completed within two years from the date that the irrevocable purchase agreement is signed or by the last estimated date of construction contained in the irrevocable purchase agreement, whichever is earlier.

(6) If the completed timeshare building or contracted for amenities are materially and adversely different from the building or amenities that were promised to purchasers at the time that the purchase agreements were signed, the director may declare any or all of the purchaser contracts void. Before declaring the contracts void, the director shall give the promoter the opportunity for a hearing in accordance with chapters 34.05 and 18.235 RCW.

(7) If the promoter intends to or does pledge or borrow against funds or properties, which are held in escrow or protected by a bond, to help finance in whole or in part the construction of the timeshare project or to help pay for operating costs, this must be fully, plainly, and conspicuously disclosed in all written advertising, in all written solicitations for the sale of the timeshare interests, in the registration with the director, and in the purchase agreement or contract.

(8) A promoter who obtains an effective registration for a revocable timeshare interest reservation must meet the requirements of this section in order to complete an irrevocable purchase agreement."

On page 1, line 1 of the title, after "timeshares;" strike the remainder of the title and insert "and adding a new section to chapter 64.36 RCW."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

SSB 5497 Prime Sponsor, Senate Committee On Highways & Transportation: Modifying relocation assistance provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Asst Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Sullivan; Wood and Woods.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5507 Prime Sponsor, Senator T. Sheldon: Clarifying who has standing regarding growth management hearings board hearings. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, immediately after the enacting clause, insert the following:

"**Sec. 1.** This act is intended to codify the Washington State Court of Appeals holding in *Wells v. Western Washington Growth Management Hearings Board*, 100 Wn. App. 657 (2000), by mandating that to establish participation standing under the Growth Management Act, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the growth management hearings board."

On page 2, line 8, after "(4)" strike all material through "city." on line 11 and insert "To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board."

Correct the title and renumber the remaining sections accordingly.

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Erickson; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5509 Prime Sponsor, Senate Committee On Health & Long-Term Care: Creating a voluntary organ and tissue donor registry. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the use of anatomical gifts, including the donation of organ or tissue, for the purpose of transplantation is of great interest to the citizens of Washington state and may save or prolong the life or improve the health of extremely ill and dying persons.

The legislature further finds that more than eighty thousand people are currently waiting for life-saving organ transplants on the national transplant waiting list. More than one thousand two hundred of these people are listed at Washington state transplant centers. Nationally, seventeen people die each day as a result of the shortage of donated organs.

The creation of a statewide organ and tissue donor registry is crucial to facilitate timely and successful organ and tissue procurement. The legislature further finds that continuing education as to the existence and maintenance of a statewide organ and tissue donor registry is in the best interest of the people of the state of Washington.

**Sec. 2.** RCW 68.50.530 and 1996 c 178 s 15 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout RCW 68.50.520 through ~~((68.50.630))~~ 68.50.620, sections 3 and 7 of this act, and 68.50.901 through 68.50.904.

(1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.

(2) "Decedent" means a deceased individual.

(3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's license, a will, or other writing used to make an anatomical gift.

(4) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body.

(5) "Enucleator" means an individual who is qualified to remove or process eyes or parts of eyes.

(6) "Hospital" means a facility licensed under chapter 70.41 RCW, or as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.

(7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body.

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.

(9) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under chapters 18.71 and 18.57 RCW.

(10) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state for procurement, distribution, or storage of human bodies or parts.

(11) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in section 6 of this act; (c) literature that is specific to the organ and tissue donor registry or the donation program created in section 6 of this act; and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in section 6 of this act that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

~~((12))~~ (13) "Technician" means an individual who is qualified to remove or process a part.

(14) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

**NEW SECTION. Sec. 3.** A new section is added to chapter 68.50 RCW to read as follows:

(1) The department of licensing shall electronically transfer all information that appears on the front of a driver's license or identicard including the name, gender, date of birth, and most recent address of any person who obtains a driver's license or identicard and volunteers to donate organs or tissue upon death to any Washington state organ procurement organization that intends to establish a statewide organ and tissue donor registry as provided under subsection (2) of this section. All subsequent electronic transfers of donor information shall be at no charge to this Washington state organ procurement organization.

(2) Information obtained by a Washington state organ procurement organization under subsection (1) of this section shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Washington state resident is a donor of an anatomical gift and is not located in this state at the time of death or immediately before the death of the donor. Any registry created using information acquired under subsection (1) of this section must include all residents of Washington state regardless of their residence within the service area designated by the federal government.

(3) No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund raising. Organ and tissue donor registry information may not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by a Washington state organ procurement organization to another Washington state organ procurement organization, a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement organization that has been designated by the United States department of health and human services to serve an area outside Washington.

(4) A Washington state organ procurement organization may acquire donor information from sources other than the department of licensing.

(5) All reasonable costs associated with the creation of an organ and tissue donor registry shall be paid by the Washington state organ procurement organization that has requested the information. The reasonable costs associated with the initial installation and setup for electronic transfer of the donor information at the department of licensing shall be paid by the Washington state organ procurement organization that requested the information.

(6) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit persons from being donors upon death.

**Sec. 4.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read as follows:

(1) An individual who is at least eighteen years of age, or an individual who is at least sixteen years of age as provided in subsection (12) of this section, may (a) make an anatomical gift for any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical gift to one or more of those purposes, or (c) refuse to make an anatomical gift.

(2) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

(3) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift must comply with subsection (2) of this section. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(4) The donee or other person authorized to accept the anatomical gift may employ or authorize a physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(5) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(6)(a) A donor may amend or revoke an anatomical gift, not made by will, by:

~~((a))~~ (i) A signed statement;

~~((b))~~ (ii) An oral statement made in the presence of two individuals;

~~((c))~~ (iii) Any form of communication during a terminal illness or injury; or

~~((d))~~ (iv) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(b) A donor shall notify a Washington state organ procurement organization of the destruction, cancellation, or mutilation of the document of gift for the purpose of removing the person's name from the organ and tissue donor registry created in section 3 of this act. If the Washington state organ procurement organization that is notified does not maintain a registry for Washington residents, it shall notify all Washington state organ procurement organizations that do maintain such a registry.

(7) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (6) of this section.

(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of a person after the donor's death.

(9) An individual may refuse to make an anatomical gift of the individual's body or part by (a) a writing signed in the same manner as a document of gift, (b) a statement attached to or imprinted on a donor's motor vehicle operator's license, or (c) another writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(10) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under RCW 68.50.550.

(11) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (9) of this section.

(12) An individual who is under the age of eighteen, but is at least sixteen years of age, may make an anatomical gift as provided by subsection (2) of this section, if the document of gift is also signed by either parent or a guardian of the donor. A document of gift signed by a donor under the age of eighteen that is not signed by either parent or a guardian shall not be considered valid until the person reaches the age of eighteen, but may be considered as evidence that the donor has not refused permission to make an anatomical gift under the provisions of RCW 68.50.550.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.20 RCW to read as follows:

The department shall electronically transfer the information of all persons who upon application for a driver's license or identicaid volunteer to donate organs or tissue to a registry created in section 3 of this act, and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identicaid or applies for a new driver's license or identicaid.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.12 RCW to read as follows:

An applicant for a new or renewed registration for a vehicle required to be registered under this chapter or chapter 46.16 RCW may make a donation of one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the provisions of the uniform anatomical gift act, RCW 68.50.520 through 68.50.630. The department shall collect the donations and credit the donations to the organ and tissue donation awareness account, created in section 7 of this act. At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations will have proportional access to these funds to conduct public education in their service areas. The donation of one or more dollars is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants.

The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations as required by RCW 46.20.113. The department shall also provide written information to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in section 3 of this act, and that the applicant shall notify a Washington state organ procurement organization of any changes to the applicant's donor status.

All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by other agreement by a Washington state organ procurement organization.

For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as defined in RCW 68.50.530.

**NEW SECTION. Sec. 7.** A new section is added to chapter 68.50 RCW to read as follows:

(1) The organ and tissue donation awareness account is created in the custody of the state treasurer. All receipts from donations made under section 6 of this act, and other contributions and appropriations specifically made for the purposes of organ and tissue donor awareness, shall be deposited into the account. Except as provided in subsection (2) of this section, expenditures from the account may be authorized by the director of the department of licensing or the director's designee and do not require an appropriation.

(2) The department of licensing shall submit a funding request to the legislature covering the reasonable costs associated with the ongoing maintenance associated with the electronic transfer of the donor information to the organ and tissue donor registry and the donation program established in section 6 of this act. The legislature shall appropriate to the department of licensing an amount it deems reasonable from the organ and tissue donation awareness account to the department of licensing for these purposes.

(3) At least quarterly, the department of licensing shall transmit any remaining moneys in the organ and tissue donation awareness account to the foundation established in section 6 of this act for the costs associated with educating the public about the organ and tissue donor registry and related organ and tissue donation education programs.

(4) Funding for donation awareness programs must be proportional across the state regardless of which Washington state organ procurement organization may be designated by the United States department of health

and human services to serve a particular geographic area. No funds from the account may be used to fund activities outside Washington state.

NEW SECTION. **Sec. 8.** Section 6 of this act takes effect with registrations that are due or become due January 1, 2004, or later."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5512 Prime Sponsor, Senator Honeyford: Including nonprofits in the small business economic impact statement requirement. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

April 2, 2003

SB 5515 Prime Sponsor, Senator Johnson: Allowing judicial members on the board of industrial insurance appeals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Hudgins and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

April 4, 2003

ESB 5517 Prime Sponsor, Senator B. Sheldon: Clarifying the apportionment of business and occupation taxes on certain businesses conducted both within and outside the state. (REVISED FOR ENGROSSED: Clarifying the apportionment of business and occupation taxes on travel agent or tour operator businesses conducted both within and outside the state.) Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.260 and 2001 2nd sp.s. c 25 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in

the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent. If the activities are conducted both within and without this state, the amount of tax on such person shall be equal to the apportioned gross income of the business multiplied by the rate of .275 percent. The apportioned gross income shall be calculated by multiplying the apportionable income by a fraction, the numerator of which is the sum of the property factor, if any, the payroll factor, if any, and the sales factor, if any, and the denominator of which is three reduced by the number of factors that have a denominator of zero. The apportionment factors shall be calculated according to rules adopted by the department consistent with, but are not required to be identical to, the principles and concepts contained in chapter 82.56 RCW. The department shall work with affected industries to determine the appropriate methods for each factor in the apportionment formula, and may adopt a different apportionment formula for travel agents than for tour operators. If the provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition or the department may require the use of an alternative apportionment method, if reasonable, such as separate accounting, the exclusion of any one or more of the factors, or the inclusion of one or more additional factors. As used in this section, "apportionable income" means the gross income of the taxpayer, less applicable exemptions and deductions allowable under this chapter.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to



plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900."

Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5520 Prime Sponsor, Senate Committee On Highways & Transportation: Authorizing the ferry system to use alternative public works contracting procedures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; ~~((and))~~ those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115; and the state ferry system.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

**Sec. 2.** RCW 39.10.051 and 2002 c 46 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the state ferry system; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure"

means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over ten million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or  
(b) The project design is repetitive in nature and is an incidental part of the installation or construction;

or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or

(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

(7)(a) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities.

(b) Before using the procedures outlined in this chapter for construction, renovation, or preservation projects, the state ferry system shall complete a request for proposal process to identify and select possible public or private partnerships in order to maximize the value of the project and the state's investment.

(i) The request for proposal shall consist of an open solicitation outlining functional specifications to be used as the basis for selecting partnerships in the project. Any responses to the request for proposal shall be evaluated, at a minimum, on the basis of compatibility with the state ferry system's core business, potential to maximize nonfarebox revenue, longevity of the possible partnership commitment, and benefit to the public users of the ferry system facilities.

(ii) If no responses are received, or those that are received are incompatible with ferry system operations, or do not meet the criteria stated in (b)(i) of this subsection, the state ferry system may proceed with the project while continuing to achieve state ferry system objectives without established partnerships.

**Sec. 3.** RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county

in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

- (a) Adequate financial resources or the ability to secure such resources;
- (b) History of successful completion of a contract of similar type and scope;
- (c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;
- (d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;
- (e) Ability to accurately estimate the subcontract bid package scope of work;
- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

- (7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:
  - (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
  - (b) The bid opening is managed by the public body; and
  - (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

(9) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities."

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wood and Woods.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5521 Prime Sponsor, Senate Committee On Health & Long-Term Care: Offering health insurance to small employers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)(a) By January 1, 2004, an insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a single health benefit plan (providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan) featuring a limited schedule of covered health services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more (or less) comprehensive benefits than (the basic health plan, provided such plans are in accordance with this chapter) those included in the product offered under this subsection. Any health benefit plan offered by an insurer in addition to the plan offered under this subsection is subject to all requirements applicable to health benefit plans offered under this chapter. An insurer offering a health benefit plan (that does not include benefits in the basic health plan) under this subsection shall clearly disclose (these differences) all covered benefits to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter (18.57 or 18.71 RCW but) 18.22, 18.57, or 18.71 RCW, a naturopath licensed under chapter 18.36A RCW, or a nurse licensed under chapter 18.79 RCW. The insurer may require that persons covered under this health benefit plan choose a single primary care practitioner for receipt of primary care services. The health benefit plan offered under this subsection is not subject to the requirements of RCW 48.21.130, ((48.21.140, 48.21.141,)) 48.21.142, 48.21.144, 48.21.146, ((48.21.160 through 48.21.197,)) 48.21.200, 48.21.220, ((48.21.225, 48.21.230, 48.21.235,)) 48.21.240, 48.21.244, 48.21.250, ((48.21.300,)) 48.21.310, ((or)) 48.21.320 (if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii)), or 48.43.045. If a health benefit plan offered under this subsection does not adhere to the requirements of RCW 48.43.045, the plan cannot offer services that would be within the permitted scope of practice of providers whose services would be covered but for the insurer's decision not to adhere to the requirements of RCW 48.43.045. The health benefit plan (is) authorized in this section may be offered to employers with not more than ((twenty-five)) fifty employees.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than ((four hundred twenty five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and)) three hundred seventy-five percent of the lowest rate for all age groups on January 1, 2000, and five hundred percent on January 1, 2004, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ((not to exceed twenty percent)).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided

that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

**Sec. 2.** RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

(1)(a) ~~By January 1, 2004, a health care services contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer a single health benefit plan ((providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)) featuring a limited schedule of covered health services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more ((or less)) comprehensive benefits than ((the basic health plan, provided such plans are in accordance with this chapter)) those included in the product offered under this subsection. Any health benefit plan offered by a contractor in addition to the plan offered under this subsection is subject to all requirements applicable to health benefit plans offered under this chapter. A contractor offering a health benefit plan ((that does not include benefits in the basic health plan)) under this subsection shall clearly disclose ((these differences)) all covered benefits to the small employer in a brochure approved by the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter ((18.57 or 18.71 RCW but)) 18.22, 18.57, or 18.71 RCW, a naturopath licensed under chapter 18.36A RCW, or a nurse licensed under chapter 18.79 RCW. The insurer may require that persons covered under this health benefit plan choose a single primary care practitioner for receipt of primary care services. The health benefit plan offered under this subsection is not subject to the requirements of RCW ((48.44.225,)) 48.44.240, 48.44.245, ((48.44.290, 48.44.300,)) 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, ((48.44.440,)) 48.44.450, ((and)) 48.44.460 ((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii))), or 48.43.045. If a health benefit plan offered under this subsection does not adhere to the requirements of RCW 48.43.045, the plan cannot offer services that would be within the permitted scope of practice of providers whose services would be covered but for the contractor's decision not to adhere to the requirements of RCW 48.43.045. The health benefit plan ((is)) authorized in this subsection may be offered to employers with not more than ((twenty-five)) fifty employees.~~

~~(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefits plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than ~~((four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and))~~ three hundred seventy-five percent of the lowest rate for all age groups on January 1, 2000, and five hundred percent on January 1, 2004, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 3.** RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

(1)(a) Beginning January 1, 2004, a health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer a single health benefit plan ((providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)) featuring a limited schedule of covered health services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more ~~((or less))~~ comprehensive benefits than ~~((the basic health plan, provided such plans are in accordance with this chapter))~~ those included in the product offered under this subsection. Any health benefit plan offered by a health maintenance organization in addition to the plan offered under this subsection is subject to all requirements applicable to health benefit plans offered under this chapter. A health maintenance organization offering a health benefit plan ~~((that does not include benefits in the basic health~~

~~plan~~) under this subsection shall clearly disclose ~~((these differences))~~ all covered benefits to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter ~~((18.57 or 18.71 RCW but))~~ 18.22, 18.57, or 18.71 RCW, a naturopath licensed under chapter 18.36A RCW, or a nurse licensed under chapter 18.79 RCW. The health maintenance organization may require that persons covered under this health benefit plan choose a single primary care practitioner for receipt of primary care services. The health benefit plan offered under this subsection is not subject to the requirements of RCW ~~((48.46.275, 48.46.280, 48.46.285,))~~ 48.46.290, ~~((48.46.350, 48.46.355,))~~ 48.46.375, 48.46.440, 48.46.480, ~~((48.46.510,))~~ 48.46.520, ~~((and))~~ 48.46.530 ~~((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii)), or 48.43.045. If a health benefit plan offered under this subsection does not adhere to the requirements of RCW 48.43.045, the plan cannot offer services that would be within the permitted scope of practice of providers whose services would be covered but for the health maintenance organization's decision not to adhere to the requirements of RCW 48.43.045. The health benefit plan ((s)) authorized in this section may be offered to employers with not more than ~~((twenty five))~~ fifty employees.~~

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ~~((basic health plan services))~~ health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than ~~((four hundred twenty five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and))~~ three hundred seventy-five percent of the lowest rate for all age groups on January 1, 2000, and five hundred percent on January 1, 2004, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:



(i) One hundred percent of eligible employees working for groups with three or less employees; and  
(ii) Seventy-five percent of eligible employees working for groups with more than three employees.  
(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 4.** RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) Except as provided in subsection (2) of this section, all health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) A health carrier may require any sole proprietor or self-employed individual applying for a group health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW. The exceptions to the health benefit questionnaire requirement provided in RCW 48.43.018(1) (a) through (c) apply to applications by sole proprietors or self-employed individuals for group health benefit plans.

(a) If, based upon the results of the standard health questionnaire, the sole proprietor or self-employed individual qualifies for coverage under the Washington state health insurance pool, the following apply:

(i) The carrier may decide not to accept the sole proprietor or self-employed individual's application for enrollment in its group health benefit plan; and

(ii) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the sole proprietor or self-employed individual's application for enrollment to both the sole proprietor or self-employed individual and the administrator of the Washington state health insurance pool. The notice to the sole proprietor or self-employed individual must state that the individual is eligible for health insurance provided by the Washington state health insurance pool, and must include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark the notice within fifteen business days, the application is deemed approved.

(b) If the sole proprietor or self-employed individual applying for a group health benefit plan: (i) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (ii) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (iii) is not required to complete the standard health questionnaire under this subsection, the carrier shall accept the sole proprietor or self-employed individual for enrollment if he or she resides within the carrier's service area and provide or ensure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2).

(3) Except as provided in subsection ~~((5))~~ (6) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

~~((3))~~ (4) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;  
(f) Covered persons who materially breach the health plan; or  
(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

~~((4) The provisions of)~~ (5) This section ~~((do))~~ does not apply in the following cases:

(a) A carrier has zero enrollment on a product; or

(b) For group health plans sold to groups other than small employer groups, a carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or

(c) For group health plans offered to small employer groups, no sooner than October 1, 2003, a carrier discontinues offering a particular type of health benefit plan if: (i) The carrier provides notice to each group provided coverage of this type of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll in any other small employer group health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of individuals enrolled through the small employer group, individuals who may become eligible for such coverage, or the collective health status of groups enrolled in coverage of this type; or

(d) A carrier discontinues offering all small employer group health coverage in the state and discontinues coverage under all existing small employer group health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all small employer group health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered small employer group of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of the discontinuation and includes information in the notice that can help the small employer group identify alternative sources of coverage. In the case of discontinuation under this subsection, the carrier may not issue any small employer group health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (5) may be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

~~((5))~~ (6) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

**NEW SECTION. Sec. 5.** A new section is added to chapter 48.43 RCW to read as follows:

Beginning January 1, 2004, any carrier offering health benefit plans to small employers in addition to the single benefit plan authorized under RCW 48.21.045(1), 48.44.023(1), and 48.46.066(1) must offer and actively market to small employers at least three other plans of the carrier's choosing. Nothing in this section limits the ability of a carrier to offer small employer group health benefit plans subject to all requirements applicable to health benefit plans offered under this chapter in addition to those that must be offered under this section.

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.21 RCW to read as follows:

(1) As used in this section, "loss ratio" means incurred claims expense as a percentage of earned premiums.

(2) By the last day of May each year any health insurer issuing or renewing small employer group health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its small employer group health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing is deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health insurer be submitted to hearing under chapters 48.04 and 34.05 RCW.

(3) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (4) of this section, a remittance is due and the following apply:

(a) The health insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (4) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest must be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances must be aggregated and such amounts must be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section must be issued within thirty days after the actual loss ratio is deemed approved under subsection (2)(a) of this section or the determination by an administrative law judge under subsection (2)(c) of this section.

(4) The loss ratio applicable to this section is eighty-two percent minus the premium tax rate applicable to the health insurer's small employer group health benefit plans under RCW 48.14.0201.

**NEW SECTION. Sec. 7.** A new section is added to chapter 48.44 RCW to read as follows:

(1) As used in this section, "loss ratio" means incurred claims expense as a percentage of earned premiums.

(2) By the last day of May each year any health care service contractor issuing or renewing small employer group health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its small employer group health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing is deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

(3) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (4) of this section, a remittance is due and the following apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (4) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest must be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances must be aggregated and such amounts must be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section must be issued within thirty days after the actual loss ratio is deemed approved under subsection (2)(a) of this section or the determination by an administrative law judge under subsection (2)(c) of this section.

(4) The loss ratio applicable to this section is eighty-two percent minus the premium tax rate applicable to the health care service contractor's small employer group health benefit plans under RCW 48.14.0201.

**NEW SECTION. Sec. 8.** A new section is added to chapter 48.46 RCW to read as follows:

(1) As used in this section, "loss ratio" means incurred claims expense as a percentage of earned premiums.

(2) By the last day of May each year any health maintenance organization issuing or renewing small employer group health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its small employer group health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing is deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health maintenance organization be submitted to hearing under chapters 48.04 and 34.05 RCW.

(3) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (4) of this section, a remittance is due and the following apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (4) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest must be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances must be aggregated and such amounts must be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section must be issued within thirty days after the actual loss ratio is deemed approved under subsection (2)(a) of this section or the determination by an administrative law judge under subsection (2)(c) of this section.

(4) The loss ratio applicable to this section is eighty-two percent minus the premium tax rate applicable to the health maintenance organization's small employer group health benefit plans under RCW 48.14.0201.

**NEW SECTION. Sec. 9.** (1) The insurance commissioner shall submit a report to the legislature by December 2006 on the extent to which the health benefits plans authorized under RCW 48.21.045(1), 48.44.023(1), and 48.46.066(1) have been marketed and sold, and the extent to which those plans are being offered by carriers that are new entrants into the small group market, and the impact of those plans, RCW 48.43.035, and section 5 of this act on the small group health insurance market.

(2) To facilitate preparation of the report required in subsection (1) of this section, each carrier shall submit the following information to the commissioner annually, beginning on a date set by the commissioner:

(a) For each small employer group health benefit plan sold in Washington state, including the health benefits plans authorized under RCW 48.21.045(1), 48.44.023(1), and 48.46.066(1):

(i) Benefits covered;

(ii) Enrollment, including the number of sole proprietors or self-employed individuals, the number of small employer groups by size of the group and the number of covered lives;

(iii) Premiums charged; and

(iv) The number of sole proprietors or self-employed individuals who have qualified in the past twelve-month period for coverage through the Washington state health insurance pool due to the results of the standard health questionnaire.

**NEW SECTION. Sec. 10.** Section 4 of this act takes effect January 1, 2004."

Correct the title.

Signed by Representatives Cody, Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Clibborn; Darneille; Edwards; Schual-Berke and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Morrell, Vice Chairman; Campbell and Moeller.

Passed to Committee on Rules for second reading.

April 4, 2003

ESSB 5536 Prime Sponsor, Senate Committee On Judiciary: Resolving claims relating to condominium construction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) One of the growth management act's planning goals is to encourage the availability of affordable housing for all residents of the state and promote a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that this act implement changes in the condominium act that encourage insurance carriers to provide liability insurance for condominium builders by: Providing for arbitration of disputes; ensuring that material facts and claims are presented as fully as possible in arbitration proceedings; confining judicial review of arbitration decisions to the arbitration record, except in very limited circumstances; requiring mandatory arbitration of disputes involving construction defects; and eliminating litigation over minor or insignificant problems, while continuing to protect consumers' legitimate claims regarding condominium construction.

(3) It is the further intent of the legislature that these changes in the condominium act ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state and also assist cities' and counties' efforts to achieve the density mandates of the growth management act.

**Sec. 2.** RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Any right or obligation declared by this chapter is enforceable by arbitration or judicial proceeding. Arbitration may be provided for in the declaration or by agreement of the parties. However, claims under RCW 64.34.443, 64.34.445, or 64.34.450 shall be subject to mandatory arbitration as set forth in this section. In any arbitration of claims under RCW 64.34.443, 64.34.445, or 64.34.450, the arbitrator may award reasonable attorneys' fees to the substantially prevailing party as set forth in this section.

(3) Mandatory arbitration for claims under RCW 64.34.443, 64.34.445, or 64.34.450 shall comply with the following minimum standards:

(a) All disputes shall be heard by one qualified arbitrator, unless the parties agree that three arbitrators shall be used. When three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. If, within thirty days, the parties fail to agree on an arbitrator or the required number of arbitrators fail to be appointed, then an arbitrator shall be appointed by the presiding judge of the superior court of the county in which the condominium is located under RCW 7.04.050;

(b) An arbitrator must be a lawyer, retired judge, or have experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution and a person shall not serve as an arbitrator in any arbitration in which that person has any financial or personal interest;

(c) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator shall be bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. Unless the parties agree otherwise or the arbitrator grants an extension for good cause, the arbitration hearing shall be completed within six months of the service of the list of defects in accordance with RCW 64.50.030;

(d) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the condominium or construction dispute resolution rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. Each party shall pay its own reasonable attorneys' fees unless the parties agree otherwise or unless the arbitrator awards reasonable attorneys' fees or any part thereof to any specified party or parties. All other expenses of arbitration shall be borne equally by the parties, unless they agree otherwise or unless the arbitrator awards such expenses or any part thereof to any specified party or parties; and

(e) Filing of a demand for arbitration commences an arbitration for purposes of RCW 64.34.452.

(4) Within twenty days after the arbitration decision and award is served on the parties, any aggrieved party may file with the clerk of the superior court in which the condominium is located a written notice of appeal and request for a trial in the superior court. Such a trial shall thereupon be held and shall include a right to a jury, if demanded. Such a trial shall be commenced on an expedited schedule within ninety days of the filing of the notice of appeal.

(a) Judicial review of an arbitration decision and award shall be confined to the record created by the arbitrator, except that, upon order of the court, the record may be supplemented by additional evidence or claim only if the additional evidence or claim relates to:

(i) Claims for disqualification of an arbitrator, when such claims were unknown to the appealing party at the time of arbitration;

(ii) Claims regarding matters that were improperly excluded from the arbitration record after being offered by the appealing party;

(iii) Claims regarding matters that were outside the jurisdiction of the arbitrator; or

(iv) Material facts regarding claims that have been arbitrated and that: (A) Were unknown at the time of the arbitration hearing by the party proposing their introduction where such a lack of knowledge was not the result of the party's prior refusal or failure to exercise reasonable diligence in the investigation of its claims or defenses; and (B) could not have been reasonably discovered at the time of arbitration where the failure to discover was not intentional or due to inexcusable neglect.

(b) Except when the court has authorized the record to be supplemented under this subsection (4), the parties may not conduct pretrial discovery. When pretrial discovery is permitted, the court shall, in its order regarding supplementing the record, establish the scope, timing, and extent of permissible discovery and shall require the moving party to disclose before trial the specific additional evidence they intend to offer.

(c) Offers of compromise and the assessment of costs and reasonable attorneys' fees shall be governed by RCW 7.06.050 and 7.06.060.

(d) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

(e) Unless the parties agree otherwise, a complete verbatim record of the arbitration hearing shall be maintained that includes all exhibits offered by the parties. Video recording of the arbitration hearing is permissible only with the consent of the parties.

(f) Within forty-five days after entry of an order to submit the record, or within such other time as the court allows or as the parties agree, the arbitrator shall submit to the court a certified copy of the record for judicial review of the decision, except that the petitioner shall prepare at the petitioner's expense and submit the verbatim hearing record required under (e) of this subsection. If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court. The petitioner shall pay the arbitrator the cost of preparing the record before the arbitrator submits the record to the court. Failure by the petitioner to timely pay the arbitrator relieves the arbitrator of responsibility to submit the record and is grounds for dismissal of the petition. If the relief sought by the petitioner is granted in whole or in part, the court shall equitably assess the costs of preparing the record among the parties. In assessing costs, the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under this subsection (4)(f).

(g) Unless the parties agree otherwise, an appeal of an arbitrator's decision is an appeal of the full and complete decision.

**Sec. 3.** RCW 64.34.216 and 1992 c 220 s 7 are each amended to read as follows:

(1) The declaration for a condominium must contain:

(a) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the name of the association;

(b) A legal description of the real property included in the condominium;

(c) A statement of the number of units which the declarant has created and, if the declarant has reserved the right to create additional units, the number of such additional units;

(d) The identifying number of each unit created by the declaration and a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.34.204(1);

(e) With respect to each existing unit:

(i) The approximate square footage;

(ii) The number of bathrooms, whole or partial;

(iii) The number of rooms designated primarily as bedrooms;

(iv) The number of built-in fireplaces; and

(v) The level or levels on which each unit is located.

The data described in (ii), (iii), and (iv) of this subsection (1)(e) may be omitted with respect to units restricted to nonresidential use;

(f) The number of parking spaces and whether covered, uncovered, or enclosed;

(g) The number of moorage slips, if any;

(h) A description of any limited common elements, other than those specified in RCW 64.34.204 (2) and (4), as provided in RCW 64.34.232(2)(j);

(i) A description of any real property which may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.34.204 (2) and (4), together with a statement that they may be so allocated;

(j) A description of any development rights and other special declarant rights under RCW 64.34.020(29) reserved by the declarant, together with a description of the real property to which the development rights apply, and a time limit within which each of those rights must be exercised;

(k) If any development right may be exercised with respect to different parcels of real property at different times, a statement to that effect together with: (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards; and (ii) a statement as to whether, if any development right is exercised in any portion of the real property subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real property;

(l) Any other conditions or limitations under which the rights described in (j) of this subsection may be exercised or will lapse;

(m) An allocation to each unit of the allocated interests in the manner described in RCW 64.34.224;

(n) Any restrictions in the declaration on use, occupancy, or alienation of the units;

(o) A cross-reference by recording number to the survey map and plans for the units created by the declaration; and

(p) All matters required or permitted by RCW 64.34.220 through 64.34.232, 64.34.256, 64.34.260, 64.34.276, ~~(and)~~ 64.34.308(4), and 64.34.450.

(2) All amendments to the declaration shall contain a cross-reference by recording number to the declaration and to any prior amendments thereto. All amendments to the declaration adding units shall contain a cross-reference by recording number to the survey map and plans relating to the added units and set forth all information required by RCW 64.34.216(1) with respect to the added units.

(3) The declaration may contain any other matters the declarant deems appropriate.

**Sec. 4.** RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

(a) The name and address of the condominium;

(b) The name and address of the declarant;

(c) The name and address of the management company, if any;

(d) The relationship of the management company to the declarant, if any;

(e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;

(f) The nature of the interest being offered for sale;

(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser and a brief statement as to whether any express written warranty replaces or other document excludes or modifies the implied warranties of quality provided in RCW 64.34.445;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and

(ll) A notice that is substantially in the form required by RCW 64.50.050.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, ~~((and))~~ the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more, and any express written warranty or other document disclosed pursuant to subsection (1)(z) of this section.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), ~~(z)~~, and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(z), (ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten- point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.



**Sec. 5.** RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; and

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(1), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

**Sec. 6.** RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2)(a) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

- ~~((a))~~ (i) Free from defective materials; ~~(and~~  
~~(b))~~ (ii) Constructed in accordance with sound engineering and construction standards~~(, and)~~;  
(iii) Constructed in a workmanlike manner; and  
(iv) Constructed in compliance with all laws then applicable to such improvements.

(b) The implied warranty is applicable only if a failure under (a) of this subsection either does or will, or both: (i) Have a material adverse effect on the structural integrity of a unit or common element; (ii) result in a unit or common element being unsafe in any material respect when used for its intended purposes; (iii) substantially impair the sale of the unit if the defect were known; or (iv) materially impair the use of the unit or common element for its intended purpose.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be replaced, excluded, or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality, including as they may be replaced, excluded, or modified by an express written warranty as specified in RCW 64.34.450.

**Sec. 7.** RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but a))~~ except that:

(a) A declarant ~~((and any))~~ or dealer may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the specific defect or failure is known to exist at the time of disclosure and is disclosed in the public offering statement as required by RCW 64.34.410, or in another instrument signed by the buyer, and the disclaimer entered into and became a part of the basis of the bargain; and/or

(b) A declarant or dealer may replace or modify the implied warranties of quality provided under RCW 64.34.445 with an express written warranty of quality only if each of the following conditions are met:

(i) The express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445;

(ii) The disclosure required by RCW 64.34.410(1)(z) is contained in a public offering statement as provided by RCW 64.34.410(3) and such disclosure is set forth in twelve-point bold face type in the declaration or amendment thereto;

(iii) The express written warranty is set forth in full in the declaration, an amendment to the declaration, or another recorded document; and

(iv) The unit purchaser who initially acquires the unit from the declarant expressly acknowledges in a recorded written conveyance or another recorded written instrument that the implied warranties of quality have been replaced or modified by the express written warranty.

**Sec. 8.** RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under RCW 64.34.443 ~~((and)),~~ 64.34.445, and 64.34.450 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

**NEW SECTION. Sec. 9.** (1) The condominium construction defect dispute resolution committee is established. The committee consists of the following members:

- (a) A member, who shall be the chair of the committee, to be appointed by the governor;
  - (b) Two members from the judiciary committee of the Washington state senate, one from each of the two largest caucuses in the senate, to be appointed by the president of the senate;
  - (c) Two members from the judiciary committee of the Washington state house of representatives, one from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives;
  - (d) A member to be appointed by the building industry association of Washington;
  - (e) A member to be appointed by the master builders association of King/Snohomish counties;
  - (f) A member to be appointed by the Washington chapter of the community association institute;
  - (g) A member to be appointed by the Washington homeowners' coalition;
  - (h) A member to be appointed by the condominium alliance;
  - (i) A member to be appointed by the association of Washington cities;
  - (j) A member to be appointed by the Washington state association of counties;
  - (k) A member to be appointed by the insurance commissioner;
  - (l) A member to be appointed by the American insurance association;
  - (m) A member to be appointed by the Washington association of consulting engineers;
  - (n) A member to be appointed by the real property, probate, and trust section of the Washington state bar association;
  - (o) A member from the consumer protection division of the attorney general's office to be appointed by the attorney general;
  - (p) A member to be appointed by the Washington public interest research group; and
  - (q) An ex officio member from the department of community, trade, and economic development, to be appointed by the governor.
- (2) The committee members shall:
- (a) Select a person to serve as a facilitator of meetings, determine the procedures for effective communication, and meet periodically, not less than monthly, at such times and places as the committee shall determine;
  - (b) Draft legislation necessary to implement mandatory third-party inspections of building envelopes not later than July 1, 2005;
  - (c) Analyze issues and make recommendations regarding a shared insurance pool or other mechanism for providing additional insurance to declarants;
  - (d) Analyze issues and make recommendations regarding the use of single-entity corporations for condominium development;
  - (e) Analyze and make recommendations regarding such other issues as the committee considers appropriate;
  - (f) In good faith seek a consensus of opinion to the extent reasonably possible regarding the issues listed in this subsection, but also to articulate conflicting opinions and the reasons therefor; and
  - (g) Deliver to the judiciary committees of the Washington state senate and house of representatives, not later than December 31, 2003, a report of the findings and conclusions of the committee and its members, and any proposed legislative action.

**NEW SECTION. Sec. 10.** A new section is added to chapter 64.34 RCW to read as follows:  
Effective July 1, 2005, all improvements included in condominiums created in the state of Washington shall be required to undergo third-party independent inspections related to water penetration prevention during the course of construction. The inspections shall be conducted in accordance with laws enacted in 2004 by the legislature after its receipt of the findings and recommendations, if any, of the condominium construction defect dispute resolution committee established in section 9 of this act. In the event no such law is enacted, the inspections shall be conducted in accordance with rules adopted by the office of community development.

**NEW SECTION. Sec. 11.** This act applies only to condominiums created by declarations recorded on or after July 1, 2003.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5550 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Prohibiting secure community transition facilities from being sited near public and private youth camps. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5561 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Concerning restrictions on assignments under UCC Article 9A. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5575 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Concerning small irrigation impoundments. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.370 and 2002 c 329 s 10 are each amended to read as follows:

(1)(a) All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:

(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and ground water;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

(6) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

(7) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right.

(8) In addition to the facilities exempted under subsection (7) of this section, this section does not apply to small irrigation impoundments. For purposes of this section, "small irrigation impoundments" means lined surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Such ponds must be lined unless a licensed engineer determines that a liner is not needed to retain water in the pond and to prevent ground water contamination. Although it may also be composed of other materials, a properly maintained liner may be composed of bentonite. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season. However, the limitations of this subsection (8) apply. Development and use of a small irrigation impoundment does not constitute a change or amendment for purposes of RCW 90.03.380 or 90.44.055.

**Sec. 2.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss

of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therewith with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring a change or transfer of any existing water right to enable the holder of the right to store water governed by the right.

**Sec. 3.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public ground water as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5578 Prime Sponsor, Senate Committee On Ways & Means: Allowing for bed hold for boarding home residents. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 2, after "longer." insert "The third-party payment shall not exceed eighty-five percent of the average daily rate paid to the facility."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

April 3, 2003

SSB 5579 Prime Sponsor, Senate Committee On Health & Long-Term Care: Revising provisions for boarding homes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 8, after line 6, insert the following:

"(6) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents."

On page 8, beginning on line 33, strike all of subsection (2)

Renumber the remaining subsection accordingly.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5592 Prime Sponsor, Senate Committee On Judiciary: Allowing attorney issued garnishments and simplifying garnishment answer forms. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 6.27.020 and 1987 c 442 s 1002 are each amended to read as follows:

(1) The clerks of the superior courts and district courts of this state may issue writs of garnishment returnable to their respective courts for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which the garnishment is sought.

(2) Writs of garnishment may be issued in district court with like effect by the attorney of record for the judgment creditor, and the form of writ shall be substantially the same as when issued by the court except that it shall be subscribed only by the signature of such attorney.

(3) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.26 RCW.

**Sec. 2.** RCW 6.27.040 and 1987 c 442 s 1004 and 1987 c 202 s 134 are each reenacted and amended to read as follows:

(1) The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

(2) The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action or by the attorney of record for the judgment creditor in district court.

(3) The writ of garnishment shall be served (~~in the same manner and~~) upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be.

**Sec. 3.** RCW 6.27.070 and 1987 c 442 s 1007 are each amended to read as follows:

(1) When application for a writ of garnishment is made by a judgment creditor and the requirements of RCW 6.27.060 have been complied with, the clerk shall docket the case in the names of the judgment creditor as plaintiff, the judgment debtor as defendant, and the garnishee as garnishee defendant, and shall immediately issue and deliver a writ of garnishment to the judgment creditor in the form prescribed in RCW 6.27.100, directed to the garnishee, commanding the garnishee to answer said writ on forms served with the writ and complying with RCW 6.27.190 within twenty days after the service of the writ upon the garnishee. The clerk shall likewise docket the case when a writ of garnishment issued by the attorney of record of a judgment creditor is filed. Whether a writ is issued by the clerk or an attorney, the clerk shall bear no responsibility for errors contained in the writ.

(2) The writ of garnishment shall be dated and attested as in the form prescribed in RCW 6.27.100. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ.

**Sec. 4.** RCW 6.27.100 and 2000 c 72 s 3 are each amended to read as follows:

(1) The writ shall be substantially in the following form(~~(= PROVIDED, That)~~), but if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support"(~~(= AND PROVIDED FURTHER, That)~~); and if the garnishment is for a continuing lien, the form shall be modified as provided in



RCW 6.27.340(~~(=AND PROVIDED FURTHER, That)~~); and if the writ is not directed to an employer for the purpose of garnishing a defendant's earnings, the paragraph relating to the earnings exemption may be omitted and the paragraph relating to the deduction of processing fees may be omitted; and if the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE . . . . . COURT  
OF THE STATE OF WASHINGTON IN AND FOR  
THE COUNTY OF . . . . .

,

No. . . . .

Plaintiff,

vs.

WRIT OF

,

Defendant

GARNISHMENT

,

Garnishee

THE STATE OF WASHINGTON TO:

Garnishee

AND TO:

Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ . . . . ., consisting of:

	\$ . . . .
Balance on Judgment or Amount of Claim	
	\$ . . . .
Interest under Judgment from . . . . to . . . .	
	\$ . . . .
Taxable Costs and Attorneys' Fees	

Estimated Garnishment Costs:

Filing Fee	\$ . . . .
Service and Affidavit Fees	\$ . . . .
Postage and Costs of Certified Mail	\$ . . . .
Answer Fee or Fees (If applicable)	\$ . . . .
Garnishment Attorney Fee	\$ . . . .
Other	\$ . . . .

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable . . . . ., Judge of the above-entitled Court, and the seal thereof, this . . . .  
day of . . . . ., 20. . .

[Seal]

Attorney for  
Plaintiff (or  
Plaintiff, if no  
attorney)

Clerk of the  
Court

By

Address

Address"

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this . . . . .day of . . . . ., 20 . . . . .

Attorney for Plaintiff

Address of the Clerk of the  
Court

Address"

**Sec. 5.** RCW 6.27.130 and 1988 c 231 s 27 are each amended to read as follows:

(1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office address of the judgment debtor, (a) a copy of the writ and a copy of the ~~((judgment or, if it is a district court judgment, a copy of the))~~ judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in RCW 6.27.140. In the alternative, on or before the day of the service of the writ on the garnishee or within two days thereafter, the

stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action.

(2) The requirements of this section shall not be jurisdictional, but (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return or affidavit of service or mailing required by subsection (3) of this section, and (b) if the copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, on motion of the judgment debtor promptly made and supported by affidavit showing that the judgment debtor has suffered substantial injury from the plaintiff's failure to mail or otherwise to serve such copies, may set aside the garnishment and award to the judgment debtor an amount equal to the damages suffered because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file an affidavit including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

**Sec. 6.** RCW 6.27.140 and 1997 c 59 s 2 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

#### NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued ~~((by))~~ in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

#### YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

**WAGES.** If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

**BANK ACCOUNTS.** If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

**OTHER EXEMPTIONS.** If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

**HOW TO CLAIM EXEMPTIONS.** Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing

not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) The claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

[Caption to be filled in by judgment creditor  
or plaintiff before mailing.]

Name of Court

No . . . . .

Plaintiff,

vs.

EXEMPTION CLAIM

Defendant,

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.

- 2 Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

Temporary assistance for needy families, SSI, or other public assistance. I receive \$ . . . . . monthly.

Social Security. I receive \$ . . . . . monthly.

Veterans' Benefits. I receive \$ . . . . . monthly.

U.S. Government Pension. I receive \$ . . . . . monthly.

Unemployment Compensation. I receive \$ . . . . . monthly.

Child support. I receive \$ . . . . . monthly.

Other. Explain

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

No money other than from above payments are in the account.

Moneys in addition to the above payments have been deposited in the account. Explain

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim maximum exemption.

I am supporting another child or other children.

I am supporting a husband or a wife.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:

OTHER PROPERTY:

Describe property

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

If married,

Print: Your name

name of husband/wife

Signature of husband

Your signature

or wife

Address

Address

(if different from yours)

Telephone number

Telephone number

(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

**Sec. 7.** RCW 6.27.160 and 2002 c 265 s 3 are each amended to read as follows:

(1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in RCW 6.27.140 and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ except that the time shall be extended to allow a declaration mailed or delivered to the clerk within twenty-one days after service of the writ on the garnishee if service on the garnishee is delayed more than seven days after the date of the writ.

[NAME OF COURT]

No. . . . .



Plaintiff

Defendant

CLAIM OF EXEMPTION

Garnishee

I/We claim the following described property or money as exempt from execution:

I/We believe the property is exempt because:

Print name of spouse,

Print name

if married

Signature

Signature

Address

Address

Telephone number

Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith. The defendant bears the burden of proving any claimed exemption, including the obligation to provide sufficient documentation to identify the source and amount of any claimed exempt funds.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property. The attorney of record for the plaintiff may, as an alternative to obtaining a court order releasing exempt funds, property, or effects, deliver to the garnishee and file with the court an authorization to release claimed exempt funds, property, or effects, signed by the attorney, in substantially the following form:

[NAME OF COURT]

, No. . . . .

Plaintiff,

vs.

RELEASE OF WRIT OF  
GARNISHMENT

.

Defendant

Garnishee.

TO THE ABOVE-NAMED GARNISHEE

You are hereby directed by the attorney for plaintiff, under the authority of chapter 6.27 of the Revised Code of Washington, to release the writ of garnishment issued in this cause on . . . . ., as follows: . . . . . [indicate full or partial release, and if partial the extent to which the garnishment is released]

You are relieved of your obligation to withhold funds or property of the defendant to the extent indicated in this release. Any funds or property covered by this release which have been withheld, should be returned to the defendant.

Date:

Attorney for Plaintiff

**Sec. 8.** RCW 6.27.190 and 2000 c 72 s 4 are each amended to read as follows:

The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the court (~~that issued the writ~~), one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ (~~, with minimum exemption amounts for the different pay periods filled in by the plaintiff before service of the answer forms: PROVIDED, That,~~). Prior to serving the answer forms for a writ for continuing lien on earnings, the plaintiff shall fill in the minimum exemption amounts for the different pay periods, and the maximum percentages of disposable earnings subject to lien and exempt from lien. If the garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350(= ~~AND PROVIDED FURTHER, That~~). If the writ is not directed to an employer for the purpose of garnishing the defendant's wages, the paragraphs in section II of the answer relating to (~~the~~) earnings (~~exemptions~~) and calculations of withheld amounts may be omitted.

IN THE . . . . . COURT  
OF THE STATE OF WASHINGTON IN AND FOR  
THE COUNTY OF . . . . .

NO. . . . .

Plaintiff

ANSWER

vs.

TO WRIT OF

Defendant

GARNISHMENT

Garnishee Defendant

SECTION I. On the date the writ of garnishment was issued ((by the court)) as indicated by the date appearing on the last page of the writ((, defendant (check one) . . . was . . . was not employed by garnishee; defendant (check one) . . . did . . . did not maintain a financial account with garnishee; and garnishee (check one) . . . did . . . did not have possession of or control over any funds, personal property, or effects of defendant.

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above named defendant \$ . . . . . (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program): Garnishee has deducted from this amount \$ . . . . . which is the exemption to which the defendant is entitled, leaving \$ . . . . . that garnishee holds under the writ. The exempt amount is calculated as follows:

Total compensation due defendant \$ . . . . .

LESS deductions for social security and withholding taxes and any other deduction required by law

\$ . . . . .

(list separately and identify)

Disposable earnings \$ . . . . .

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable earnings: \$ . . . . . This amount is exempt and must be paid to the defendant at the regular pay time after deducting any processing fee you may charge.

If this is not a garnishment for child support, enter seventy five percent of disposable earnings: \$ . . . . . From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$ . . . . . (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$ . . . . .) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time after deducting any processing fee you may charge.

Minimum exempt amounts for different pay periods: Weekly \$ . . . . .; Biweekly \$ . . . . .; Semimonthly \$ . . . . .; Monthly \$ . . . . .

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)); (A) The defendant: (check one) . . . was, . . . was not employed by garnishee. If not employed and you have no possession or control of any funds of defendant, indicate the last day of employment: . . . . .; and complete section III of this answer and mail or deliver the forms as directed in the writ;

(B) The defendant: (check one) . . . . did, . . . . did not maintain a financial account with garnishee; and  
(C) The garnishee: (check one) . . . . did, . . . . did not have possession of or control over any funds, personal property, or effects of the defendant. (List all of defendant's personal property or effects in your possession or control on the last page of this answer form or attach a schedule if necessary.)

SECTION II. At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above- named defendant \$ . . . . .

This writ attaches a maximum of . . . . percent of the defendant's disposable earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a nongovernmental pension or retirement program). Calculate the attachable amount as follows:

Gross Earnings \$ . . . . .(1)

Less deductions required by law (social security, federal withholding tax, etc. Do not include deductions for child support orders or government liens here. Deduct child support orders and liens on line 7): \$ . . . . .(2)

Disposable Earnings (subtract line 2 from line 1): \$ . . . . .(3)

Enter . . . . percent of line 3: \$ . . . . .(4)

Enter one of the following exempt amounts\*: \$ . . . . .(5)

<u>If paid:</u>	<u>Weekly</u>	\$ . . . . .	<u>Semi-monthly</u>	\$ . . . . .
	<u>Bi-weekly</u>	\$ . . . . .	<u>Monthly</u>	\$ . . . . .

\*These are minimum exempt amounts that the defendant must be paid. If your answer covers more than one pay period, multiply the preceding amount by the number of pay periods and/or fraction thereof your answer covers. If you use a pay period not shown, prorate the monthly exempt amount.

Subtract the larger of lines 4 and 5 from line 3: \$ . . . . .(6)

Enter amount (if any) withheld for ongoing government liens such as child support: \$ . . . . .(7)

Subtract line 7 from line 6. This amount must be held out for the plaintiff: \$ . . . . .(8)

This is the formula that you will use for withholding each pay period over the required sixty-day garnishment period. Deduct any allowable processing fee you may charge from the amount that is to be paid to the defendant.

If there is any uncertainty about your answer, give an explanation on the last page or on an attached page.

SECTION III. An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Date

Signature of

Garnishee Defendant

Connection with

Signature of person

answering for garnishee

garnishee

((-

~~Address of Garnishee))~~

Address of garnishee

Print name of person  
signing

**Sec. 9.** RCW 6.27.200 and 1997 c 296 s 6 are each amended to read as follows:

If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, after providing a notice to the garnishee by personal service or first class mail deposited in the mail at least ten calendar days prior to entry of the judgment, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the garnishee at any time within seven days following service on, or mailing to, the garnishee of a copy of ((~~a~~)) the first writ of execution or ((~~a~~)) writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

**Sec. 10.** RCW 6.27.250 and 2000 c 72 s 5 are each amended to read as follows:

(1)(a) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees. In the case of a superior

court garnishment, the court shall order the garnishee to pay to the plaintiff or to the plaintiff's attorney through the registry of the court the amount of the judgment against the garnishee, the clerk of the court shall note receipt of any such payment, and the clerk of the court shall disburse the payment to the plaintiff. In the case of a district court garnishment, the court shall order the garnishee to pay the judgment amount directly to the plaintiff or to the plaintiff's attorney. In either case, the court shall inform the garnishee that failure to pay the amount may result in execution of the judgment, including garnishment.

(b) If, prior to judgment, the garnishee tenders to the plaintiff or to the plaintiff's attorney or to the court any amounts due, such tender will support judgment against the garnishee in the amount so tendered, subject to any exemption claimed within the time required in RCW 6.27.160 after the amounts are tendered, and subject to any controversion filed within the time required in RCW 6.27.210 after the amounts are tendered. Any amounts tendered to the court by or on behalf of the garnishee or the defendant prior to judgment shall be disbursed to the party entitled to same upon entry of judgment or order, and any amounts so tendered after entry of judgment or order shall be disbursed upon receipt to the party entitled to same.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial on controversion or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee pays the sum at the time specified in the order, the payment shall operate as a discharge, otherwise judgment shall be entered against the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in the same manner as other judgments entered against garnishees as provided in this chapter: PROVIDED, That if judgment is rendered in favor of the principal defendant, or if any judgment rendered against the principal defendant is satisfied prior to the date of payment specified in an order of payment entered under this subsection, the garnishee shall not be required to make the payment, nor shall any judgment in such case be entered against the garnishee.

(3) The court shall, upon request of the plaintiff at the time judgment is rendered against the garnishee or within one year thereafter, or within one year after service of the writ on the garnishee if no judgment is taken against the garnishee, render judgment against the defendant for recoverable garnishment costs and attorney fees. However, if it appears from the answer of garnishee or otherwise that, at the time the writ was issued, the garnishee held no funds, personal property, or effects of the defendant and, in the case of a garnishment on earnings, the defendant was not employed by the garnishee, or, in the case of a writ directed to a financial institution, the defendant maintained no account therein, then the plaintiff may not be awarded judgment against the defendant for such costs or attorney fees.

**Sec. 11.** RCW 6.27.265 and 2000 c 72 s 6 are each amended to read as follows:

The judgment on garnishee's answer or tendered funds, and for costs against defendant, and the order to pay funds shall be substantially in the following form:

IN THE . . . . COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

. . . . .

No. . . . .

Plaintiff

vs.

JUDGMENT AND ORDER  
TO PAY  
(Clerk's Action Required)

Defendant

Garnishee

Judgment Summary

Judgment Creditor

Garnishment Judgment Debtor

Garnishment Judgment Amount

Costs Judgment Debtor

Costs Judgment Amount

%

Judgments to bear interest at

Attorney for Judgment Creditor

IT APPEARING THAT garnishee was indebted to defendant in the nonexempt amount of \$ . . . . . ; that at the time the writ of garnishment was issued defendant was employed by or maintained a financial institution account with garnishee, or garnishee had in its possession or control funds, personal property, or effects of defendant; and that plaintiff has incurred recoverable costs and attorney fees of \$ . . . . ; now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that plaintiff is awarded judgment against garnishee in the amount of \$ . . . . ; that plaintiff is awarded judgment against defendant in the amount of \$ . . . . . for recoverable costs; that, if this is a superior court order, garnishee shall pay its judgment amount to plaintiff [or to plaintiff's attorney] through the registry of the court, and the clerk of the court shall note receipt thereof and forthwith disburse such payment to plaintiff [or to plaintiff's attorney]; that, if this is a district court order, garnishee shall pay its judgment amount to plaintiff directly [or ((through)) to plaintiff's attorney], and if any payment is received by the clerk of the court, the clerk shall forthwith disburse such payment to plaintiff [or to plaintiff's attorney]. Garnishee is advised that the failure to pay its judgment amount may result in execution of the judgment, including garnishment.

DONE IN OPEN COURT this . . . . . day of . . . . , 20. .



Judge/Court Commissioner

Presented by:

Attorney for Plaintiff

**Sec. 12.** RCW 6.27.320 and 2000 c 72 s 7 are each amended to read as follows:

In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of the judgment and payment of recoverable garnishment costs and attorney fees from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after the demand or the satisfaction of judgment and payment of costs and fees, whichever shall be later. The attorney of record for the plaintiff may, as an alternative to obtaining a court order dismissing the garnishment, deliver to the garnishee and file with the court an authorization to dismiss the garnishment in whole or part, signed by the attorney, in substantially the form indicated in RCW 6.27.160(3). In the event of the failure of plaintiff to obtain and serve such an order or release, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff.

**Sec. 13.** RCW 6.27.340 and 1988 c 231 s 34 are each amended to read as follows:

(1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.  
(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer with the writ shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added (~~as the first paragraph~~) to section I of the answer form prescribed in RCW 6.27.190:

"If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only (~~this portion~~) sections I and II of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on . . . . . that will terminate not later than . . . . ., ((49)) 20. . .

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer ~~((the following portion of))~~ this entire form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

**Sec. 14.** RCW 6.27.350 and 1997 c 296 s 7 are each amended to read as follows:

(1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies of the answer form prescribed in RCW 6.27.190~~((, (a)))~~. The plaintiff shall replace the text of section I of the answer form with a statement in substantially the following form ((added as the first paragraph): "ANSWER ((THE SECOND PART)) SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT((" and (b) with the following lines substituted for the first sentence of the form prescribed in RCW 6.27.190:))"

Amount due and owing stated in first	\$ . . .
answer	
Amount accrued since first answer	\$ . . .
<u>TOTAL AMOUNT WITHHELD</u>	<u>\$</u>

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment.

**Sec. 15.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of thirty-one dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of six dollars.

(3) For filing a supplemental proceeding a fee of twelve dollars.

(4) For demanding a jury in a civil case a fee of fifty dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of six dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic tape or tapes of a proceeding ten dollars per tape.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

**Sec. 16.** RCW 6.27.010 and 1987 c 442 s 1001 are each amended to read as follows:

(1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a nongovernmental pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

**Sec. 17.** RCW 6.27.060 and 1988 c 231 s 22 are each amended to read as follows:

The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the district court the fee ~~((of two dollars))~~ provided by RCW 3.62.060."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5596 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 2, line 34, strike everything after "(8)(a)" and insert the following:

"The juvenile rehabilitation administration shall develop uniform policies related to custodial assaults consistent with RCW 72.01.045 and RCW 9A.36.100 that are to be followed in all juvenile rehabilitation administration facilities; and

(b) The juvenile rehabilitation administration will report assaults in accordance with the policies developed in subsection (8)(a) of this section."

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5597 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 6, strike everything after the enacting clause and insert the following:

**"Sec. 2.** RCW 70.155.010 and 1993 c 507 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to RCW 70.155.020 through 70.155.130. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) "Minor" refers to an individual who is less than eighteen years old.

(3) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.

(4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

(5) "Sampler" means a person engaged in the business of sampling other than a retailer.

(6) "Sampling" means the distribution of samples to members of the general public in a permanent building exclusively limited to persons twenty-one and over ~~((public place))~~.

(7) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

(8) "Twenty-one and over location" means a permanent building that:

(a) Sells any type of liquor as defined in chapter 66.04 RCW;

(b) Is classified as off-limits to persons under twenty-one years of age as provided in RCW 66.44.310;

and

(c) Is located over one thousand feet from an outdoor venue.

**Sec. 3.** RCW 70.155.050 and 1993 c 507 s 6 are each amended to read as follows:

(1) No person may engage in the business of sampling at a twenty-one and over location within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling.

(2) The board shall issue a license to a sampler not otherwise disqualified by RCW 70.155.100 upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful twenty-one and over location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Benson.

Referred to Committee on Finance.

April 3, 2003

SSB 5616 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Concerning insurer foreign investments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5628 Prime Sponsor, Senate Committee On Judiciary: Changing threshold property values for crimes against property. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding (~~one~~) two thousand five hundred dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

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

**Sec. 2.** RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((two))~~ seven hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

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

**Sec. 3.** RCW 9A.48.090 and 1996 c 35 s 1 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

~~(2)((a)) Malicious mischief in the third degree ((under subsection (1)(a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.~~

~~(b) Malicious mischief in the third degree under subsection (1)(b) of this section)) is a gross misdemeanor.~~

**Sec. 4.** RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

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

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

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

**Sec. 5.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

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

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

(c) An access device; or

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

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

**Sec. 6.** RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed ~~((two))~~ five hundred ~~((and fifty))~~ dollars in value, or (b) includes ten or more merchandise pallets, or ten or more beverage crates, or a combination of ten or more merchandise pallets and beverage crates.

(2) Theft in the third degree is a gross misdemeanor.

**Sec. 7.** RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read as follows:

(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with ~~((said))~~ the bank or other depository, to meet ~~((said))~~ the check or draft, in full upon its presentation, ~~((shall be))~~ is guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor ~~((said))~~ the check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing ~~((said))~~ the check or draft ~~((shall be))~~ is guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than ~~((two))~~ five hundred ~~((fifty))~~ dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of ~~((two))~~ five hundred ~~((fifty))~~ dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a minimum fine of five hundred dollars. Of the fine imposed, at least fifty dollars shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may suspend or defer only that portion of the fine which is in excess of five hundred dollars.

**Sec. 8.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, is guilty of theft of rental, leased, or lease-purchased property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, or lease-purchase agreement; or

(b) That the renter or lessee presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, or lease-purchase period, mailed by certified or registered mail to the renter or lessee at: (a) The address the renter or lessee gave when the contract was made; or (b) the renter or lessee's last known address if later furnished in writing by the renter, lessee, or the agent of the renter or lessee.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, or lease-purchased property. Theft of rental, leased, or lease-purchased property is a: Class B felony if the rental, leased, or lease-purchased property is valued at ~~((one))~~ two thousand five hundred dollars or more; class C felony if the rental, leased, or lease-purchased property is valued at ~~((two))~~ seven hundred fifty dollars or more but less than ~~((one))~~ two thousand five hundred dollars; and gross misdemeanor if the rental, leased, or lease-purchased property is valued at less than ~~((two))~~ seven hundred fifty dollars.

(5) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, and to lease-purchase agreements as defined under RCW 63.19.010. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

**Sec. 9.** RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property other than a firearm as defined in RCW 9.41.010 which exceeds ~~((one))~~ two thousand five hundred dollars in value.

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

**Sec. 10.** RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

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

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

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

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

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

**Sec. 11.** RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the third degree if he or she possesses (a) stolen property which does not exceed ~~((two))~~ seven hundred fifty dollars in value, or (b) ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates.

(2) Possessing stolen property in the third degree is a gross misdemeanor."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

April 4, 2003

SSB 5641 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5651 Prime Sponsor, Senator Hargrove: Authorizing land banks in certain counties with low population densities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5654 Prime Sponsor, Senator McCaslin: Authorizing multiple fire districts to annex portions of a newly incorporated city or town. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 4, 2003

ESB 5676 Prime Sponsor, Senator Carlson: Changing provisions in the educational opportunity grant program. (REVISED FOR ENGROSSED: Regarding higher education financial assistance.) Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Referred to Committee on Appropriations.

April 2, 2003

ESSB 5692 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Establishing a 211 network. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member;

Passed to Committee on Rules for second reading.

April 3, 2003

2SSB 5694 Prime Sponsor, Senate Committee On Ways & Means: Creating a pilot project to develop an integrated environmental permit system. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that environmental review and permitting, especially as applied to complex or controversial projects, can be characterized by multiple overlapping agency authorities, as a result of multiple governing statutes, generally adopted in isolation from one another, whose purposes and requirements may not be integrated and cause correspondingly uncoordinated implementation by administrative agencies. As a result, numerous and differing project descriptions, inconsistent administrative records, unproductive and redundant requirements, delays, and disproportionate costs caused by all of these may impede the making of sound and expeditious decisions by agencies and appropriate project changes by permit applicants, contrary to the intent and purpose of environmental review and permitting and the interests of permit applicants and the public.

A single project may be governed by local, state, federal, and tribal laws. A single project may be subject to all of the following requirements and others not listed here: (1) Federal section 404 permit, section 7 consultation, essential fish habitat consultation, section 401 water quality certification, section 402 waste discharge permit, section 402 general permit, section 4(f) parks and recreational lands use approval, superfund clean-up requirements, air quality conformity, underground storage tank removal, and coastal zone management program consistency certification; (2) state storm water pollution control plan approval, hydraulic project approval, aquatic lands use approval, historic and archaeological approval, archaeological excavation and removal permit, state model toxics control act clean-up requirements, asbestos removal, and air quality operating permit; and (3) local shoreline substantial development permit, conditional use permit or variance, shoreline design review, critical areas ordinance review, historic district approval, street use permit, demolition permit, grading permit, noise variance, storm water and drainage control approval, and utility approval.

The legislature finds that the public, as well as permit applicants, agencies, and affected parties, will benefit from an environmental review and permitting system that integrates and makes easily accessible the requirements and documentation for agency decision making, facilitating timely and effective participation in the process.

**NEW SECTION. Sec. 2.** The legislature intends to proceed in steps to develop and adopt an integrated permit system, working through the office of permit assistance, in cooperation with the department of transportation, the transportation permit efficiency and accountability committee, and local, state, federal, and tribal regulatory agencies. When implemented, the integrated permit system would integrate project design, environmental review, permitting, and mitigation elements into a single process. Major components of the integrated permit system are a unified project decision support document and a unified project administrative procedure. A unified project decision support document is intended to be a single document proactively developed to support and satisfy all needs for information, analysis, and evaluation; document and justify incremental project decisions; inform the public and interested parties; and support integration of project design, environmental review, permitting, and mitigation elements. A unified project administrative procedure is intended to harmonize, reduce, or eliminate duplicative or conflicting procedural requirements for environmental analysis, agency decision making, and public review and comment. A unified project decision support document might be implemented by intergovernmental agreement under existing law. A unified project administrative procedure may require changes to existing law.

The integrated permit system, including the unified project decision support document and unified project administrative procedure, will not modify or change any agency's substantive regulatory authority including that agency's responsibility and authority to issue and condition its specific permit(s). The integrated permit system will promote procedural changes which lead to greater efficiency while maintaining environmental and community safeguards. In developing new approaches for public involvement, care shall be taken to maintain or enhance the quality of public involvement opportunities.



The legislature intends by this act to authorize, through a pilot project, development of a guidance document for implementation of a unified project decision support document and development of recommendations for an integrated permit system and for changes to existing law needed for implementation of a unified project administrative procedure.

**NEW SECTION. Sec. 3.** (1) By December 1, 2005, the office of permit assistance shall develop a guidance document for creating a unified project decision support document for state and federal agencies and local governments that will be sufficient to support all regulatory decision making.

The office shall, in consultation with the department of transportation and the transportation permit efficiency and accountability committee, test and, as necessary, revise and add to the "unified permit binder" currently being developed by the department of transportation to provide a standardized outline, checklists, and templates for preparation of a single master support document for all regulatory decision making concerning a project. The office shall address regulatory decision-making processes under existing substantive authorities and administrative procedures, applicable existing statutory requirements for environmental review and permitting, information necessary for decision making, and existing requirements for public and agency involvement and its documentation. The resulting document shall be designed to be a complete, concise, and logically organized guidance document for creating a unified project decision support document for state and federal agencies and local governments.

(2) By December 1, 2005, the office shall develop recommendations for an integrated permit system to integrate the procedural aspects of project design, environmental review, permitting, and mitigation; develop recommendations for legislative changes to statutory authorizations and administrative procedures needed to establish the system; and develop detailed recommendations for full-scale testing of the system through one or more pilot projects.

The elements of the integrated permit system shall include use of a unified project decision support document available on the internet for purposes of public review and comment and for decision making by agencies and local governments with jurisdiction over the project; a unified project administrative procedure for regulatory decision making that harmonizes, reduces or eliminates duplicative, or conflicting procedural requirements for environmental analysis, public review and comment.

(3) The office shall fulfill the requirements of subsections (1) and (2) of this section using a pilot project of economic development significance, after obtaining agreement to participate in the pilot project from the project proponent and the state agencies and local governments with jurisdiction. As needed, the office may also seek agreement to participate from federal and tribal agencies with jurisdiction.

(4) The office shall submit a report to the standing legislative committees with jurisdiction by December 1, 2003, and December 1, 2004, regarding progress on subsections (1) and (2) of this section and by December 1, 2005, upon completion of subsections (1) and (2) of this section.

**NEW SECTION. Sec. 4.** (1) A unified project administrative procedure is the common, integrated process used for the development of a project-specific unified project decision support document.

(2) A unified permit binder is the same as a unified project decision support document.

(3) A unified project decision support document is a single document that contains and integrates all project-specific application, design, environmental review, permitting and mitigation analyses and evaluations needed to support permitting and regulatory decisions.

**NEW SECTION. Sec. 5.** This act expires December 31, 2005.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

April 4, 2003

SSB 5695 Prime Sponsor, Senate Committee On Judiciary: Declaring buildings used for criminal activity to be a nuisance. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Building" includes, but is not limited to, any structure or any separate part or portion thereof, whether permanent or not, or the ground itself.

(2) "Criminal activity" means a pattern of criminal activity including felonies and misdemeanors.

**NEW SECTION. Sec. 2.** Every building or unit within a building used for the purpose of aiding, promoting, or conducting criminal activity is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance. In a multiunit building only the offending unit shall be declared a nuisance, and only the offending unit shall be enjoined, abated, and prevented. Nothing in this chapter shall apply to property used for the purpose of, or activity involved in, providing health services, food and financial assistance, treatment, counseling, training, religious services, education, civic involvement, or any social service or charitable assistance.

**NEW SECTION. Sec. 3.** Any person who resides, works in, or owns property in the same multifamily building, apartment complex, or within a one-block radius of the property where the nuisance is alleged to exist may bring an action as provided for in section 2 of this act by filing a complaint with a law enforcement agency in the county in which the property is located. Such action shall be commenced by the filing of a complaint alleging the facts constituting the nuisance. Such action may also be commenced by any public agency.

Any complaint filed under this chapter shall be verified or accompanied by affidavit. A copy of the complaint and affidavit must be served on the occupant and the owner of the property according to the rules of civil procedure. In addition to showing that the occupant and the owner or his or her agent has had an opportunity to abate the nuisance, the affidavit shall contain a description of all attempts by the applicant to notify and locate the occupant and the owner of the property or the owner's agent, including at least one attempt to notify the occupant and the owner or owner's agent by registered mail.

In addition, the affidavit shall describe in detail the adverse impact associated with the property on the surrounding neighborhood. "Adverse impact" includes, but is not limited to, the following: Any recent search warrants served on the property where evidence of criminal activity was seized; recent arrests of persons who frequent the property for purposes of criminal activity; a recent increase in the number of complaints made to law enforcement of illegal activity associated with the property which result in arrests for criminal activity; and recent increases in arrests for weapons violations of persons who frequent the property.

Upon receipt of the complaint, the law enforcement agency shall conduct an investigation into the allegations and, if probable cause is found that a violation of this chapter is occurring, the complaint and results of the investigation shall be filed in the county superior court. After receiving the complaint, the court shall grant a hearing as soon as practicable as required by section 6 of this act.

**NEW SECTION. Sec. 4.** Upon application for a temporary restraining order or preliminary injunction, the court may, upon a showing of good cause, issue an ex parte restraining order or preliminary injunction, preventing the occupant and all other persons, other than the owner, from removing or in any manner interfering with the personal property and contents of the place where the nuisance is alleged to exist and may grant such preliminary equitable relief as is necessary to prevent the continuance or recurrence of the nuisance pending final resolution of the matter on the merits. However, pending the decision, the stock in trade may not be so restrained, but an inventory and full accounting of all business transactions may be required. Such ex parte restraining order or preliminary injunction shall remain in effect no more than fifteen days from the date of issuance, except as provided in section 8 of this act.

The restraining order or preliminary injunction shall be served on the occupant and the owner personally or by handing to and leaving a copy with any person of suitable age and discretion who is in charge of the place or residing in the place. Where such a person cannot with reasonable diligence be served as described, the restraining order or preliminary injunction may be served by posting a copy in a conspicuous place and by thereafter mailing a copy by registered mail to the person to be served at his or her usual mailing address. The officer serving the order or injunction shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining the nuisance. Additionally a copy of the restraining order or preliminary injunction must be sent by registered mail to the occupant and the owner of the building.

**NEW SECTION. Sec. 5.** A temporary restraining order or preliminary injunction shall not issue under this chapter except upon the giving of a bond or security by the applicant, in the sum that the court deems proper, but not less than one thousand dollars, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

**NEW SECTION. Sec. 6.** An action under this chapter shall have precedence over all other actions, except prior matters of the same character, actions under chapter 7.43 RCW, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, child dependency hearings, foreclosures by a legal owner, and actions to forfeit vehicles used in violation of the uniform controlled substances act.

**NEW SECTION. Sec. 7.** (1) If the complaint under this chapter is filed by a citizen, the complaint shall not be dismissed by the citizen for want of prosecution except upon a sworn statement made by the citizen and the citizen's attorney, if the citizen has one. The statement shall set forth the reasons why the action should be dismissed. The case shall only be dismissed if so ordered by the court.

(2) In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting to be substituted for the plaintiff.

**NEW SECTION. Sec. 8.** A copy of the complaint, together with a notice of the time and place of the hearing of the action shall be served upon the occupant and the owner at least six business days before the hearing and as provided for in section 4 of this act. If the hearing is then continued at the request of any defendant, all temporary orders and injunctions shall be extended upon good cause shown.

**NEW SECTION. Sec. 9.** (1) Except as provided in subsection (2) of this section, if the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the final judgment in the case. Plaintiff's costs in the action, including those of abatement, are a lien upon the building or unit within a building, subject to the lien of the legal owner. The lien is enforceable and collectible by execution issued by order of the court.

(2) If the court finds and concludes that the occupant or the owner of the building or unit within a building:

(a) Had no knowledge of the existence of the nuisance or has been making reasonable efforts to abate the nuisance;

(b) Has not been guilty of any contempt of court in the proceedings; and

(c) Will make reasonable efforts to immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court shall, if satisfied of the occupant's or the owner's good faith, order the building or unit within a building to be delivered to the occupant or the owner, and no order of abatement shall be entered. If an order of abatement has been entered and the occupant or the owner subsequently meets the requirements of this subsection, the order of abatement shall be canceled.

(3) For the purposes of determining whether the occupant or owner of the building or unit within a building made reasonable efforts to abate the nuisance, the court shall consider such factors as whether the occupant or owner:

(a) Terminated or attempted to terminate the tenancy or lease of a tenant or leaseholder where the nuisance is occurring if the tenant or leaseholder is involved in the criminal activity;

(b) Placed restrictions on the rental agreement or lease;

(c) Adopted feasible measures on the property to try to prevent the criminal activity;

(d) Cooperated with law enforcement to attempt to stop the criminal activity; and

(e) Any other factors the court finds relevant.

(4) If the court finds there is insufficient evidence to establish the existence of the nuisance, the court shall order the person to pay the occupant and the owner their reasonable attorney fees and costs to defend the action, any loss of rent or revenue experienced as a result of the action, restraining order, or preliminary injunction, and damages up to five hundred dollars to each.

**NEW SECTION. Sec. 10.** Any final order of abatement issued under this chapter shall:

(1) Direct the removal of all personal property subject to seizure and forfeiture under RCW 69.50.505 or other law from the building or unit within a building, and direct the commencement of proceedings to forfeit the property under the forfeiture provisions of RCW 69.50.505 or other law;

(2) If the building or unit is not subject to the interests of innocent occupants or innocent legal owners, provide for the immediate closure of the building or unit within a building against its use for any purpose, and for keeping it closed for a period of one year unless released sooner as provided in this chapter; and

(3) State that while the order of abatement remains in effect the building or unit within a building shall remain in the custody of the court.

**NEW SECTION. Sec. 11.** In all actions brought under this chapter, the proceeds and all moneys forfeited under the forfeiture provisions of RCW 69.50.505 or other law shall be applied as follows:

(1) First, to the fees and costs of the removal and sale;

(2) Second, to the allowances and costs of closing and keeping closed the building or unit within a building;

(3) Third, to the payment of the plaintiff's costs in the action; and

(4) Fourth, the balance, if any, to the owner of the forfeited property.

If the proceeds of the sale of items subject to seizure and forfeiture do not fully discharge all of the costs, fees, and allowances, the building or unit within a building shall then also be sold under execution issued upon the order of the court, and the proceeds of the sale shall be applied in a like manner.

A building or unit within a building shall not be sold under this section unless the court finds and concludes by clear and convincing evidence that the occupant and the owner of the building or unit within a building had actual or constructive knowledge or notice of the existence of the nuisance. However, this shall not be construed as limiting or prohibiting the entry of any final order of abatement as provided in this chapter.

**NEW SECTION. Sec. 12.** Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest in the building or unit has been found in contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of the owner's interest, subject to the lien of the legal owner. The lien is enforceable and collectible by execution issued by order of the court.

**NEW SECTION. Sec. 13.** The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Sections 1 through 14 of this act constitute a new chapter in Title 7 RCW."

Signed by Representatives Lantz, Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Moeller, Vice Chairman; Flannigan.

Passed to Committee on Rules for second reading.

April 2, 2003

**SB 5705** Prime Sponsor, Senator Winsley: Conforming the department of services for the blind provisions with federal law. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 10, line 14, after "any building" strike "and adjacent outdoor space associated therewith" and insert "and immediately adjacent outdoor space associated directly therewith, such as a patio or entryway,"

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

April 3, 2003

**SSB 5708** Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Providing a procedure for court-ordered contact with a child for nonparents. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature affirms that parents have a paramount right to raise their minor children. The legislature also recognizes that this paramount right must be considered in conjunction with a minor child's interest in maintaining the strong emotional bonds with others that the child has developed and relies upon. Therefore, the legislature intends to establish internally consistent and rigorous standards that must be met for a nonparent to obtain visitation with a minor child.

**NEW SECTION. Sec. 2.** A new section is added to chapter 26.10 RCW to read as follows:

(1) A nonparent may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact when all of the following criteria are satisfied:

(a) The applicant is an individual with a parent-like relationship with the child. To satisfy this criterion, the applicant must show that:

(i) His or her relationship with the child has been parental in nature for a substantial period of time;

(ii) A parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and

(iii) His or her relationship with the child is beneficial; and

(b) A parent or custodian has substantially interfered with the applicant's relationship with the child and the applicant has unsuccessfully attempted to resolve any disagreement with the parent or custodian before going to court.

(2)(a)(i) The court shall treat standing as a threshold issue. The applicant bears the burden of establishing standing. If the applicant does not satisfy this burden, the proceeding shall be dismissed.

(ii) Upon a finding that the applicant has standing, the applicant shall come forward with evidence to show that the child would very likely suffer harm if contact were not awarded. If the applicant presents evidence that could allow a reasonable factfinder to conclude that the child would very likely suffer harm, the burden shifts to the parent or custodian to present evidence why the decision to refuse contact is reasonable and in the best interests of the child.

(b) The court shall order contact if it finds that the applicant has satisfied the burden of showing by clear and convincing evidence that:

(i) The child would very likely suffer harm if contact is not awarded; and

(ii) The parent's or custodian's denial of contact was unreasonable and not in the child's best interests.

(3) If the court dismisses the proceeding for lack of standing, the court shall award reasonable and necessary costs and fees to the prevailing party unless there is a compelling reason to do otherwise. In all other cases, the court may award such costs and fees as it deems appropriate.

(4) If the parent or custodian fails to comply with a court order awarding contact between the nonparent and the child, the nonparent may file a motion to initiate a contempt action under RCW 26.09.160.

(5) For purposes of this section, the following definitions apply:

(a) "Applicant" means a nonparent who initiates a proceeding under this statute.

(b) "Contact" includes all court-ordered arrangements by which a nonparent is authorized to interact with a child other than custody, conservatorship, guardianship, or joint or shared custody.

(c) "Harm" means that denial of contact results in substantial loss and detriment to the child's physical, psychological, or emotional well-being. The likelihood of harm must be beyond the normal short-term distress a child suffers due to a change in circumstances.

(d) "Nonparent" includes any person not legally recognized as a parent whether or not related by blood or marriage.

(e) "Parent-like relationship" means a very significant relationship between a nonparent and a child in which the nonparent undertook responsibilities and tasks commonly performed by parents and commonly recognized as actions by someone in a parent-like relationship. Excluded from this category are baby-sitters or other employed caregivers.

(f) "Substantially interfered" means to have unreasonably and greatly diminished the amount and quality of contact a nonparent has had with the child. A reasonable reduction in the frequency or length of contact previously enjoyed with the child is not a substantial interference.

**Sec. 3.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another, to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child or awarding contact with a child to a nonparent under section 2 of this act. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child or awarding contact with a nonparent, the court shall find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan or court order awarding contact with a nonparent and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan or court order awarding contact with a nonparent, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2)(a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan or court order awarding contact with a nonparent and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions or awarding contact with a nonparent unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the court-ordered contact with a nonparent or the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

**Sec. 4.** RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with a court order awarding contact with a nonparent or the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

**Sec. 5.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

~~((4)) Under section 2 of this act, a person other than a parent may petition the court for visitation with a child ((at any time)) or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. ((A person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.~~

~~(2) A petition for visitation with a child by a person other than a parent must be filed in the county in which the child resides.~~

~~(3) A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

~~(4) The court may order visitation between the petitioner or intervenor and the child between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.~~

~~(5)(a) Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

~~(b) If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW 26.09.015.~~

~~(6) The court may consider the following factors when making a determination of the child's best interests:~~

- ~~(a) The strength of the relationship between the child and the petitioner;~~
- ~~(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner;~~
- ~~(c) The nature and reason for either parent's objection to granting the petitioner visitation;~~
- ~~(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;~~
- ~~(e) The residential time sharing arrangements between the parents;~~
- ~~(f) The good faith of the petitioner;~~
- ~~(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner;~~

and

~~(h) Any other factor relevant to the child's best interest.~~

~~(7) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.~~

~~(8) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.~~

~~(9) Visitation granted pursuant to this section shall be incorporated into the parenting plan for the child.~~

~~(10) The court may modify or terminate visitation rights granted pursuant to this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.)~~

**Sec. 6.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;



(E) RCW 9A.44.093;  
(F) RCW 9A.44.096;  
(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;  
(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the

adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) ~~(Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.)~~ A person other than a parent may petition the court for visitation with a child under section 2 of this act.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

(5) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Upthegrove.

Passed to Committee on Rules for second reading.

April 3, 2003

ESSB 5713 Prime Sponsor, Senate Committee On Commerce & Trade: Concerning electrical work.  
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

## **"PART 1 - DEFINITIONS**

**Sec. 101.** RCW 19.28.006 and 2002 c 249 s 1 are each amended to read as follows:

The definitions in this section apply throughout this subchapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Basic electrical work" means the work classified in (a) and (b) of this subsection as class A and class B basic electrical work:

(a) "Class A basic electrical work" means the like-in-kind replacement of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; ten horsepower or smaller motor; or wiring, appliances, devices, or equipment as specified by rule.

(b) "Class B basic electrical work" means work other than class A basic electrical work that requires minimal electrical circuit modifications and has limited exposure hazards. Class B basic electrical work includes the following:

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary; and

(B) The extension does not supply more than two outlets;

(ii) Like-in-kind replacement of a single luminaire not exceeding two hundred seventy-seven volts and twenty amps;

(iii) Like-in-kind replacement of a motor larger than ten horsepower;

(iv) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one and two-family dwellings;

(B) Repair and replacement of the following devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the national electrical code; or

(v) Wiring, appliances, devices, or equipment as specified by rule.

(3) "Board" means the electrical board under RCW 19.28.311.

~~((3))~~ (4) "Chapter" or "subchapter" means the subchapter, if no chapter number is referenced.

~~((4))~~ (5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department or the director's designee.

~~((6))~~ (7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

~~((7))~~ (8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((8))~~ (9) "Equipment" means any equipment or apparatus that directly uses, conducts, insulates, or is operated by electricity but does not mean: Plug-in appliances; or plug-in equipment as determined by the department by rule.

~~((9))~~ (10) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

~~((10))~~ (11) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((11))~~ (12) "Like-in-kind" means having similar characteristics such as voltage requirements, current draw, and function, and being in the same location.

(13) "Master electrician" means either a master journeyman electrician or master specialty electrician.

~~((12))~~ (14) "Master journeyman electrician" means a person who has been issued a master journeyman electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((13))~~ (15) "Master specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((14))~~ (16) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

**Sec. 102.** RCW 18.106.010 and 2002 c 82 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter;
- (3) "Department" means the department of labor and industries;
- (4) "Director" means the director of department of labor and industries;
- (5) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (6) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location;
- (7) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;
- ~~((7))~~ (8) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;
- ~~((8))~~ (9) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;
- ~~((9))~~ (10) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:
  - (a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or
  - (b) Maintenance and repair of backflow prevention assemblies.

## PART 2 - BASIC ELECTRICAL WORK

**Sec. 201.** RCW 19.28.101 and 1996 c 241 s 4 are each amended to read as follows:

(1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies except for basic electrical work as defined in this chapter. The department may not require an electrical work permit for class A basic electrical work unless deficiencies in the installation or repair require inspection. The department may inspect class B basic electrical work on a random basis as specified by the department in rule. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(3).

(2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. At the time of the inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the

inspector to employ any testing methods that will verify conformance with the national electrical code and any other requirements of this chapter.

(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

**Sec. 202.** RCW 19.28.141 and 2001 c 211 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the provisions of RCW 19.28.101 shall not apply:

~~((4))~~ (a) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter.

~~((2))~~ (b) Within the service area of an electricity supply agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect ~~((: PROVIDED, That such))~~. The city, town, or agency shall ~~((henceforth))~~ enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as ~~((is))~~ are enforced by the department of labor and industries under ~~((the authority of))~~ this chapter ~~((: PROVIDED FURTHER, That))~~. Fees charged ~~((henceforth))~~ in connection with such enforcement shall not exceed those established in RCW 19.28.101.

~~((3))~~ (c) Within the rights of way of state highways, provided the state department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by RCW 19.28.010 through 19.28.141 and 19.28.311 through 19.28.361.

(2) A city, town, or electrical supply agency is permitted, but not required, to enforce the same permitting and inspection standards applicable to basic electrical work as are enforced by the department of labor and industries.

### PART 3 - INCIDENTAL ELECTRICAL WORK

**Sec. 301.** RCW 19.28.091 and 2001 c 211 s 6 are each amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer.

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares;

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.041 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles.

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

(6) The department may by rule exempt from licensing requirements under this chapter work performed on premanufactured electric power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch.

(7) An entity that currently holds a valid specialty or general plumbing contractor's registration under chapter 18.27 RCW may employ a certified plumber, a certified residential plumber, or a plumber trainee meeting the requirements of chapter 18.106 RCW to perform electrical work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. A plumber trainee must be supervised by a certified plumber or a certified residential plumber while performing electrical work. The electrical work is subject to the permitting and inspection requirements of this chapter.

**Sec. 302.** RCW 19.28.261 and 2001 c 211 s 19 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

~~((1))~~ (a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

~~((2))~~ (b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work; ~~((6))~~

~~((3))~~ (c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(7).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

#### **PART 4 - INCIDENTAL PLUMBING WORK**

**Sec. 401.** RCW 18.27.090 and 2001 c 159 s 7 are each amended to read as follows:  
The registration provisions of this chapter do not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise that are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work;

(17) A mobile/manufactured home dealer or manufacturer who subcontracts the installation, set-up, or repair work to actively registered contractors. This exemption only applies to the installation, set-up, or repair of the mobile/manufactured homes that were manufactured or sold by the mobile/manufactured home dealer or manufacturer;

(18) An entity who holds a valid electrical contractor's license under chapter 19.28 RCW that employs a certified journeyman electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. An electrical trainee must be supervised by a certified electrician while performing plumbing work.

**Sec. 402.** RCW 18.106.150 and 1973 1st ex.s. c 175 s 15 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to require that a person obtain a license or a certified plumber in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her. ~~((Any person performing plumbing work on a farm may do so without having))~~



(2) A current certificate of competency or apprentice permit is not required for: ((PROVIDED, HOWEVER, That))

(a) Persons performing plumbing work on a farm; or

(b) Certified journeyman electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18).

(3) Nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing((~~AND PROVIDED FURTHER, That~~)).

(4) This chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees((~~AND PROVIDED FURTHER, That~~)).

(5) Nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates((~~AND PROVIDED FURTHER, That~~)).

(6) Nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing.

## **PART 5 - ELECTRIC APPLIANCE REPAIR**

**NEW SECTION. Sec. 501.** A new section is added to chapter 19.28 RCW to read as follows:

(1) The repair, maintenance, or replacement of an electric appliance, if performed by an employee of a manufacturer-authorized dealer or service company, is exempt from licensing and certification requirements under RCW 19.28.091 and RCW 19.28.161.

(2) A joint legislative task force is created to review licensing and certification requirements under RCW 19.28.091 and RCW 19.28.161 as they pertain to the repair, maintenance, or replacement of an electric appliance, and as they compare to licensing and certification requirements in other states. The task force membership shall consist of: (a) One member from each caucus of the senate commerce and trade committee, appointed by the president of the senate; (b) one member from each caucus of the house commerce and labor committee, appointed by the co-speakers of the house of representatives; and (c) representatives of electrical contractors, journey level electrical workers, appliance repair businesses, appliance repair technicians, and residential consumers, appointed jointly by the president of the senate and the speaker of the house of representatives. The department of labor and industries shall cooperate with the task force and provide such technical expertise as the task force co-chairs may reasonably require. The task force shall choose its co-chairs from among its membership. The task force shall use legislative facilities and staff from senate committee services and the office of program research. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and RCW 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives. The task force shall report its findings and recommendations for legislation or rulemaking, if any, to the legislature by December 1, 2003.

(3) For the purposes of this section, "repair, maintenance, or replacement of an electric appliance" means servicing, maintaining, repairing, or replacing household appliances, small commercial/ industrial appliances, and other small utilization equipment. The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance or utilization equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(a) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(b) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(c) Repair, maintenance, or replacement of an electric appliance includes the like-in-kind replacement of the appliance or utilization equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. It also includes:

(i) The like-in-kind replacement of electrical components within the appliance or equipment;

(ii) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(iii) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(d) Repair, maintenance, or replacement of an electric appliance does not include:

- (i) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components; or
- (ii) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

## **PART 6 - ELECTRIC EQUIPMENT REPAIR**

**Sec. 601.** RCW 19.28.191 and 2002 c 249 s 5 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journeyman electrician, journeyman electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journeyman electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journeyman electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificates of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the maintenance machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) he or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journeyman electrician certificate of competency the applicant must have possessed a valid journeyman electrician certificate of competency for four years.

~~((d))~~ (e) To be eligible to take the examination for a master specialty electrician certificate of competency the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

~~((e))~~ (f) To be eligible to take the examination for a journeyman certificate of competency the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journeyman electrician or journeyman electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journeyman electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

~~((f))~~ (g) To be eligible to take the examination for a specialty electrician certificate of competency the applicant must have:

(i) Worked in the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties as determined by the department in rule under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours; or

(ii) Worked in the appliance repair specialty as determined by the department in rule, the equipment repair specialty as determined by the department in rule, or a specialty other than the designated specialties in ~~((f)(i))~~ (g)(i) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The initial period must be spent under one hundred percent supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ~~((f)(i))~~ (g)(i) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

~~((g))~~ (h) Any applicant for a journeyman electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW may substitute up to two years of the technical or trade school program for two years of work experience under a master journeyman electrician or journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journeyman electrician certificate of competency.

~~((h))~~ (i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

~~((i))~~ (j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journeyman electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((j))~~ (k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, full-time basis means two thousand hours.

**NEW SECTION. Sec. 602.** A new section is added to chapter 19.28 RCW to read as follows:

(1) The scope of work for the equipment repair specialty involves servicing, maintaining, repairing, or replacing utilization equipment.

(2) "Utilization equipment" means equipment that is: (a) Self-contained on a single skid or frame; (b) factory built to standardized sizes or types; (c) listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030; and (d) connected as a single unit to a single source of electrical power limited to a maximum of 600 volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of 250 volts. Utilization equipment does not include devices used for occupant space heating by industrial, commercial, hospital, educational, public, and private commercial buildings, and other end users.

(3) "Servicing, maintaining, repairing, or replacing utilization equipment" includes:

(a) The like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(b) The like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment;

(c) The like-in-kind replacement or repair of electrical components within the equipment; and

(d) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

(4) "Servicing, maintaining, repairing, or replacing utilization equipment" does not include:

(a) The installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, motor control centers, remote magnetic starters/contactors, or raceway/conductor systems interconnecting multiple equipment or other electrical components;

(b) Any work providing electrical feeds into the power distribution unit or installation of conduits and raceways; or

(c) Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations), except for electrical work in sewage pumping stations.

## **PART 7 - BOILER REPAIR**

NEW SECTION. **Sec. 701.** A new section is added to chapter 19.28 RCW to read as follows:

(1) Until July 1, 2004, the department shall cease to administer and enforce licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101, as applied only to maintenance work on the electrical controls of a boiler.

(2) The electrical board and the board of boiler rules shall jointly evaluate whether electrical licensing, certification, inspection, and permitting requirements should apply to maintenance work on the electrical controls of a boiler. The board shall report their joint findings and recommendations for legislation or rulemaking, if any, to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1, 2003.

(3) This section expires July 1, 2004.

## **PART 8 - PLUMBING CONTINUING EDUCATION**

**Sec. 801.** RCW 18.106.070 and 1997 c 326 s 6 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. ~~((A renewal fee shall be assessed for each certificate.))~~ The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past two years has completed sixteen hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee. The journeyman plumber and specialty plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber, specialty plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day

unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) ~~((From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988,))~~ Not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and ~~((e) effective July 1, 1988,))~~ (b) not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber. An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

(5) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under section 301 of this act.

(6) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (5) of this section.

## PART 9 - MISCELLANEOUS

NEW SECTION. Sec. 901. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 902. Sections 501, 601, and 701 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

April 4, 2003

SSB 5714 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Providing financial institution law parity. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5715 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Creating the financial fraud alert act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that financial fraud and crimes against financial institutions and merchants are increasing exponentially in Washington state. Until recently, these crimes cost businesses and consumers thousands of dollars in losses. They now cost millions of dollars. The legislature further finds that noncredit losses to financial institutions, and credit card, debit card, and check fraud against

merchants impose danger to consumers and their financial privacy, and burden law enforcement and public prosecutors with crimes that are difficult to detect and prosecute. The growth in financial fraud also provides opportunities for organized crime and terrorist organizations, and undermines the stability and reliability of financial and other businesses upon which commerce and the economy rely.

The legislature intends to enable financial institutions and merchants, to the extent permitted by federal law, to exchange information to prevent, detect, deter, and assist in the prosecution of financial fraud, bank robbery, money laundering, and other financial crimes.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated employees" means security personnel of a financial institution or merchant designated by it to participate in a fraud alert network.

(2) "Financial crimes" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable, regardless of whether the act is actually charged or indicted, as a violation of a state or federal criminal law prohibiting false representation, frauds and swindles in violation of chapter 9.45 RCW, forgery, obtaining a signature by deception or duress, criminal impersonation, false certification, unlawful issuance of checks, drafts, funds transfers and payment instructions, identity theft, improperly obtaining financial information, robbery, bank robbery, theft, scams, tax evasion, embezzlement, money laundering, use of proceeds of criminal profiteering, false representation concerning credit, false statement by deposit account applicant, false representation concerning title, forgery of a digital signature or other violation of RCW 9.38.060, burglary when it involves entering the premises of a financial institution or retail establishment, unlawful possession of payment instruments, unlawful production of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, unlawful possession of instruments of financial fraud, possession of another's identification, display or possession of a fraudulently issued driver's license or identicard, display or representation as one's own the driver's license or identicard of another person, unlawful factoring of a credit card or payment card transaction, or other state or federal law prohibiting a financial related crime.

(3) "Financial institution" means: (a) Any person doing business under the laws of any state or the United States relating to commercial banks, bank holding companies, financial holding companies, savings banks, savings and loan associations, trust companies, or credit unions; (b) any office of an international banking corporation, branch of a foreign bank, or corporation organized pursuant to the Bank Service Corporation Act (12 U.S.C. Sec. 1861-1867) or a corporation organized under the Edge Act (12 U.S.C. Sec. 611-633); (c) subsidiaries, affiliates, service corporations of the persons in (a) and (b) of this subsection; (d) third-party service providers that provide servicing, processing, account maintenance, or security for the persons in (a), (b), and (c) of this subsection; or (e) any group, organization, or association consisting primarily of the persons in (a) through (c) of this subsection, including, without limitation, the Washington bankers association, the American bankers association, and other associations of banks, savings institutions, and/or credit unions, whether inside or outside the state of Washington. However, a group or association in this subsection (3)(e) that obtains access to a fraud alert network may provide access to that network or to information received from that network only to persons described in (a) through (d) of this subsection.

(4) "Fraud alert network" means a program established by and among financial institutions and/or merchants to prevent, detect, deter, and assist in the prosecution of financial crimes, including a program in which information is shared by means of electronic posting.

(5) "Electronic posting" means the use of a web site or other form of electronic communication used to display information gathered in connection with a fraud alert network.

(6) "Merchant" means a person engaged in the business of selling, leasing, or distributing goods or services and has an existing contractual relationship or contract with a financial institution, and: (a) Has a physical presence in the state that consumers may patronize to make purchases of goods or services; (b) is physically located in the state and sells goods or services to residents of the state via the internet; or (c) is an association or cooperative organization of persons in (a) and (b) of this subsection.

(7) "Participant" means a financial institution or merchant that participates in a fraud alert network.

**NEW SECTION. Sec. 3.** (1) This chapter provides immunity from liability for financial institutions and merchants who participate in a fraud alert network and who comply with the provisions of this chapter and the standards of use set forth in this subsection, as follows:

(a) Access to the fraud alert network is private, and limited to financial institutions, merchants, and law enforcement agencies;

(b) The sole purpose of the fraud alert network is to share information among financial institutions, merchants, and law enforcement agencies to prevent, detect, deter, and assist in the prosecution of financial crimes;

(c) Information furnished to the fraud alert network consists of: (i) Descriptions of recent actual or suspected financial crimes perpetrated against or coming to the attention of the participant furnishing the information; (ii) descriptions, photographs, images, reproductions, fingerprints, identifying features, traits,

habits, background, or other data related to identifying the person, persons, or groups suspected of committing, aiding, or abetting financial crimes; (iii) identifying information regarding methods of operation, devices, tricks, or schemes used by persons suspected of financial crimes; (iv) descriptions, photographs, images, or reproductions of writings, communications, checks, and personal identification used in connection with suspected financial crimes; (v) descriptions, photographs, images, or reproductions of vehicles, license plates, weapons, devices, or other things used in connection with suspected financial crimes; (vi) cautionary statements regarding suspects, for example a statement that a suspect is armed and dangerous; and (vii) other information that allows participants to identify financial crimes, to identify persons suspected in connection with financial crimes, to assist in the apprehension of persons suspected of financial crimes, or to contact others for further information;

(d) Information furnished to the fraud alert network may not consist of delinquent payment information, nor may it consist of other, similar evidence of a person's credit history, except in the exceptional instance where such evidence is an integral part of information provided under (c) of this subsection and is reasonably believed to be related to a financial crime;

(e) Information posted shall be accessible only to designated employees, and the distribution of information is limited to those employees, attorneys, and agents of participants who have job-related duties relevant to the use of such information in connection with preventing, detecting, deterring, or assisting in the prosecution of financial crimes;

(f) The fraud alert network has procedures reasonably calculated to ensure the security of the information obtained;

(g) Users of the fraud alert network are informed that the information obtained from the fraud alert network may not be used to evaluate and make decisions about applications for loans, lines of credit, and credit cards;

(h) Information furnished pursuant to the fraud alert network is limited to statements of fact that the person furnishing the information reasonably believes to be true. However, in exigent circumstances, information may be furnished without such reasonable belief if the circumstances creating an emergency are described, and cautionary advice is provided regarding the limited knowledge of the person furnishing the information; and

(i) The fraud alert network has an operator that: (A) Employs procedures to promptly correct and erase information that the operator learns is erroneous or was submitted or posted to the fraud alert network not in compliance with this section; (B) takes reasonable steps to limit access to the fraud alert network to financial institutions, merchants, and law enforcement agencies; and (C) denies access to the fraud alert network to persons who are not financial institutions, merchants, or law enforcement agencies or who do not abide by the provisions of this chapter.

(2) Washington law governs the operation of a fraud alert network. A participant or law enforcement agency that participates in a fraud alert network in accordance with subsection (1) of this section, whether through furnishing, posting, communicating, or using information in connection thereto, shall receive immunity from civil liability under the laws of the state of Washington and its political subdivisions and, to the extent the conflicts of law rules of any other jurisdiction refer to the law of the state of Washington, under the laws and rules of such other jurisdiction and its political subdivisions. However, this immunity does not apply to statutory violations.

(3) Any financial institution or merchant that makes a voluntary disclosure of any possible violation of law or regulation to a federal, state, or local government or agency in connection with information obtained from a fraud alert network is immune from civil liability for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of or identified in the disclosure, under the laws and rules of the state of Washington and its political subdivisions and, to the extent the conflicts of law rules of any other jurisdiction refer to the law of the state of Washington, under the laws and rules of such other jurisdiction and its political subdivisions, and under any contract or other legally enforceable agreement.

**NEW SECTION. Sec. 4.** The immunity of section 3 of this act shall not apply to any participant that:

(1) Provides false information to the fraud alert network that the participant does not reasonably believe to be true. However, in exigent circumstances, information may be furnished without such reasonable belief if the circumstances creating an emergency are described, and cautionary advice is provided regarding the limited knowledge of the person furnishing the information;

(2) Fails to maintain review procedures to remove or correct false, outdated, incomplete, or erroneous information furnished by it to the fraud alert network;

(3) Fails to maintain procedures to ensure that information obtained from the fraud alert network will be provided only to employees, attorneys, or agents who have job-related duties relevant to the use of such information;

(4) Uses information obtained from the fraud alert network to evaluate and make decisions about applications for loans, lines of credit, and credit cards;

(5) Uses information for a purpose other than preventing, detecting, deterring, and assisting in the prosecution of financial crimes;

- (6) Uses, reproduces, distributes, publishes, forwards, shares, sells, or communicates any information obtained from the fraud alert network for a commercial purpose, such as for advertising or marketing; or
- (7) Provides, sells, or resells access to the fraud alert network to a person who is not a participant.

**NEW SECTION. Sec. 5.** (1) It is the intent of this chapter to encourage the sharing of information consistent with federal law.

(2) It is intended that so long as the participants comply with this chapter, the provisions of the Washington fair credit reporting act, chapter 19.182 RCW, do not apply to the fraud alert network. However, if it is determined that the federal fair credit reporting act applies to a fraud alert network, the Washington fair credit reporting act shall likewise be applicable.

**NEW SECTION. Sec. 6.** (1) The fraud alert network and its participants shall notify the public regarding the existence of the fraud alert network and how it functions. Such notice shall include a description of the purpose of the network, how the network shares information, the types of information furnished to the network, how consumer complaints may be registered, and the procedures available to an individual for the correction or removal of incomplete, inaccurate, or erroneous information.

(2) The public notice required of the fraud alert network and its participants under subsection (1) of this section shall, at a minimum, include:

(a) A toll free telephone number maintained by the network that may be called by individuals in order to obtain the information required under subsection (1) of this section;

(b) An internet website maintained by the network that provides the public with the information required under subsection (1) of this section;

(c) Written pamphlets that are made conspicuously available at each place of business of a network participant, and which contain the information required under subsection (1) of this section as well as the toll free telephone number and website address of maintained by the network; and

(d) A conspicuously posted sign at each place of business of a network participant that notifies the public of the business' participation in the fraud alert network and which includes both the toll free telephone number and website address required under this section.

(3) The fraud alert network shall not begin operating until such time as the public notice provisions required under this section are implemented.

**NEW SECTION. Sec. 7.** (1) By January 1, 2004, and again by January 1, 2005, the organizing body representing participants in the fraud alert network shall provide a comprehensive written report to the house financial institutions and insurance committee and the senate committee on financial services, insurance and housing regarding the implementation of the provisions of this act.

(2) The written report shall include the following:

(a) The number of participants in the network, including the name of each participating entity;

(b) The standards or protocols established by the network to determine compliance on the part of a participant with the provisions of this act;

(c) A detailed description of the procedures which are adopted by the fraud alert network, as required under section 3 of this act, to ensure the security and accuracy of information furnished to the network, including procedures for the removal or correction of incomplete or erroneous information furnished to the network;

(d) A detailed description of the procedures adopted by the network by which an individual who has been reported to the network, or who is the subject of any information furnished to the network, may correct or remove inaccurate, incomplete or erroneous information;

(e) An accounting of how many actions the network has taken in the preceding year to correct or remove incomplete or erroneous information from the network, including how many such actions were the result of a request or complaint from an individual whose information has been entered into the network;

(f) The number of complaints about the fraud alert network received by each participant in the network, including a description of each complaint and what actions, either on the part of the network participant or the complainant, resulted from each complaint;

(g) A description of any adverse action taken by the fraud alert network against a network participant resulting from noncompliance with the standards and procedures established by the network as a condition of participation in the network; and

(h) The disclosure of the number of individuals whose names have been placed in the network database for suspected financial crimes and a description of the type of alleged illegal activity that led to such individuals being placed in the network database.

**NEW SECTION. Sec. 8.** This chapter shall be construed to encourage the sharing of information by financial institutions, merchants, and law enforcement for the prevention and prosecution of financial fraud.

**NEW SECTION. Sec. 9.** This act may be known and cited as the financial fraud alert act.



NEW SECTION. **Sec. 10.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned.

NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 30 RCW."

Correct the title.

Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5720 Prime Sponsor, Senator Winsley: Allowing merchants to require additional identification when conducting credit and debit card sales. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 4, 2003

SB 5726 Prime Sponsor, Senator Morton: Revising eligibility requirements for directors of cooperative associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5737 Prime Sponsor, Senate Committee On Ways & Means: Reporting abandoned property. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 63.29.170 and 1996 c 45 s 2 are each amended to read as follows:

(1) A person holding property presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the department concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property ~~((of the))~~ with a value of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~ presumed abandoned under this chapter;

(b) In the case of unclaimed funds of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~ held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and where it may be inspected by the department, and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items ~~((of))~~ with a value ~~((under twenty five))~~ of fifty dollars or less each may be reported in the aggregate;

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and

(f) Other information the department prescribes by rule as necessary for the administration of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his or her name while holding the property, ~~((he))~~ the holder shall file with ~~((his))~~ the report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1<sup>st</sup> of each year and shall include all property presumed abandoned and subject to custody as unclaimed property under this chapter that is in the holder's possession as of the preceding June 30<sup>th</sup>. On written request by any person required to file a report, the department may postpone the reporting date.

(5) After May 1<sup>st</sup>, but before August 1<sup>st</sup>, of each year in which a report is required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at ~~((his))~~ the last known address informing him or her that the holder is in possession of property subject to this chapter if:

~~((i))~~ (a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate~~((;))~~;

~~((ii))~~ (b) The claim of the apparent owner is not barred by the statute of limitations~~((;))~~; and

~~((iii))~~ (c) The property has a value of ~~((seventy five))~~ more than seventy-five dollars ~~((or more))~~.

**Sec. 2.** RCW 63.29.180 and 1993 c 498 s 9 are each amended to read as follows:

(1) The department shall cause a notice to be published not later than ~~((September))~~ November 1<sup>st</sup>, immediately following the report required by RCW 63.29.170 ~~((at least once a week for two consecutive weeks))~~ in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:

(a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section; and

(b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the department.

(3) The department is not required to publish in the notice any items of ~~((less than seventy five))~~ seventy-five dollars or less unless the department considers their publication to be in the public interest.

(4) Not later than September 1<sup>st</sup>, immediately following the report required by RCW 63.29.170, the department shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property ~~((of the))~~ with a value of ~~((seventy five))~~ more than seventy-five dollars ~~((or more))~~ presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the department has a last known address.

(5) The mailed notice must contain:

(a) A statement that, according to a report filed with the department, property is being held to which the addressee appears entitled; and

(b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder.

(6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under RCW 63.29.040."

Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5749 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Revising procedures for hearings concerning violations by sex offenders of postrelease conditions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.435 and 2002 c 175 s 17 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members or designees of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within ~~((fifteen working))~~ thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within ~~((five working))~~ thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. The board or its designee shall make a determination whether probable cause exists to believe the violation or violations occurred. The determination shall be made within forty-eight hours of receipt of the allegation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody upon a finding of violation is a ~~((possible))~~ probable sanction for the violation. The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has waived the right to counsel; and

(e) The sanction shall take effect if affirmed by the hearing examiner.

(5) Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: ~~((i))~~ (a) The crime of conviction; ~~((ii))~~ (b) the violation committed; ~~((iii))~~ (c) the offender's risk of reoffending; or ~~((iv))~~ (d) the safety of the community.

~~((5))~~ (6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**Sec. 2.** RCW 9.95.017 and 2001 2nd sp.s. c 12 s 321 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. ~~((These proposed criteria shall be submitted for consideration by the 1987 legislature.))~~

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after ~~((July))~~ September 1, 2001, are subject to the provisions for duration of

confinement, release to community custody, and length of community custody established in RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440.

**Sec. 3.** RCW 9.95.055 and 2001 2nd sp.s. c 12 s 325 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who: (1) Are confined for (a) treason(†); (b) murder in the first degree; or ((~~earnal knowledge of a female child under ten years~~; AND PROVIDED FURTHER, That no such inmate shall be released under this section who is)) (c) rape of a child in the first degree where the victim is under ten years of age or an equivalent offense under prior law; (2) are being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW; or ((~~was~~)) (3) were sentenced under RCW 9.94A.712 for a crime committed on or after ((~~July~~)) September 1, 2001.

**Sec. 4.** RCW 9.95.070 and 2001 2nd sp.s. c 12 s 327 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at ~~((the penitentiary or the reformatory))~~ a state correctional institution, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the ~~((penitentiary or reformatory))~~ institution, and in whose behalf the superintendent of the ~~((penitentiary or reformatory))~~ institution files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under RCW 9.94A.712 for a crime committed on or after ~~((July))~~ September 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.728.

**Sec. 5.** RCW 9.95.120 and 2001 2nd sp.s. c 12 s 333 are each amended to read as follows:

Whenever the board or a community corrections officer of this state has reason to believe a person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of conditions of parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a ~~((penal))~~ correctional institution.

**Sec. 6.** RCW 9.95.440 and 2001 2nd sp.s. c 12 s 310 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420 by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable under RCW 9.94A.713(5). Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

**Sec. 7.** RCW 9.95.110 and 2001 2nd sp.s. c 12 s 331 are each amended to read as follows:

(1) The board may permit an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which an offender may be allowed to leave the confines of a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after ~~((July))~~ September 1, 2001, and sentenced under RCW 9.94A.712, to leave a state correctional institution on community custody according to the provisions of RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of RCW 9.95.435."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5751 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Concerning the sale of valuable material from state lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 10, after "sale" strike all material through "value,))" on line 11, and insert "not to exceed ~~((twenty))~~ twenty-five thousand dollars in appraised sale value,"

On page 4, beginning on line 25, after "advertising" strike all material through "guaranteed" on line 29, and insert "~~((The board of natural resources shall, by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to ensure that competitive market prices and accountability will be guaranteed))~~), consistent with the provisions of RCW 79.01.132(6)"

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

April 2, 2003

SB 5758 Prime Sponsor, Senator Stevens: Reorganizing criminal statutes within the RCW. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 3, 2003

ESSB 5776 Prime Sponsor, Senate Committee On Land Use & Planning: Providing an appeal process for state agency and local government permit decisions for economic development projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Referred to Committee on Appropriations.

April 2, 2003

ESSB 5779 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Preserving sibling relationships for dependent children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 9, line 10, after "believe the" strike "health, safety, or welfare" and insert "best interests"

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

SSB 5780 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Revising method for making distributions under the municipal criminal justice assistance account. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.48 RCW to read as follows:

(1) In order to ensure that construction projects involving the use of fill material do not pose a threat to water quality, the department may require that the suitability of potential fill material be evaluated using a leaching test included in the soil clean-up rules adopted by the department under chapter 70.105D RCW in any water quality certification issued under section 401 of the federal clean water act and in any administrative order issued under this chapter, where such certification or administrative order authorizes the placement of fill material, some or all of which will be placed in waters of the state. Any such requirement imposed by the department in a water quality certification or administrative order issued prior to the effective date of this section is ratified and approved by the legislature as a valid and reliable method for determining concentrations of chemical constituents that can be present in fill material without posing an unacceptable risk of violating water quality standards, and shall be in effect as imposed by the department for all work not completed by June 1, 2003.

(2) If the department utilizes a leaching test identified in subsection (1) of this section for a construction project, neither the project proponent nor any person or entity working on the project proponent's behalf may import fill material that contains heavy metals in concentrations that exceed the standards specified in the soil cleanup rules adopted according to chapter 70.105D RCW. If these rules specify more than one cleanup standard for a heavy metal, the department shall determine which standard applies.

(3) Nothing in this section limits, in any way, the department's authority under this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:

The department shall identify the leaching tests utilized for evaluating the potential impacts to water quality in situations where fill material is imported. The tests may include those identified in the soil clean-up rules adopted by the department under chapter 70.105D RCW. Within existing resources, the department shall assess whether this list of leaching tests provides appropriate methods for analyzing water quality impacts for all types of projects and in all circumstances where fill material is imported. The department shall also identify any

gaps in leaching test methodology. The department shall report both the leaching test list and the list of test methodology gaps to the appropriate committees of the legislature by December 31, 2003.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

April 4, 2003

SB 5783 Prime Sponsor, Senator Finkbeiner: Implementing the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern and Roach.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5786 Prime Sponsor, Senate Committee On Land Use & Planning: Clarifying the scope of industrial uses allowed in rural areas under GMA. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5787 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Protecting water quality. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.48 RCW to read as follows:

(1) In order to ensure that construction projects involving the use of fill material do not pose a threat to water quality, the department may require that the suitability of potential fill material be evaluated using a leaching test included in the soil clean-up rules adopted by the department under chapter 70.105D RCW in any water quality certification issued under section 401 of the federal clean water act and in any administrative order issued under this chapter, where such certification or administrative order authorizes the placement of fill material, some or all of which will be placed in waters of the state. Any such requirement imposed by the department in a water quality certification or administrative order issued prior to the effective date of this section is ratified and approved by the legislature as a valid and reliable method for determining concentrations of chemical constituents that can be present in fill material without posing an unacceptable risk of violating water quality standards, and shall be in effect as imposed by the department for all work not completed by June 1, 2003.

(2) If the department utilizes a leaching test identified in subsection (1) of this section for a construction project, neither the project proponent nor any person or entity working on the project proponent's behalf may import fill material that contains heavy metals in concentrations that exceed the standards specified in the soil cleanup rules adopted according to chapter 70.105D RCW. If these rules specify more than one cleanup standard for a heavy metal, the department shall determine which standard applies.

(3) Nothing in this section limits, in any way, the department's authority under this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:  
The department shall identify the leaching tests utilized for evaluating the potential impacts to water quality in situations where fill material is imported. The tests may include those identified in the soil clean-up rules adopted by the department under chapter 70.105D RCW. Within existing resources, the department shall assess whether this list of leaching tests provides appropriate methods for analyzing water quality impacts for all types of projects and in all circumstances where fill material is imported. The department shall also identify any gaps in leaching test methodology. The department shall report both the leaching test list and the list of test methodology gaps to the appropriate committees of the legislature by December 31, 2003.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; Hunt and McDermott.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5793 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Hunter; Roach and Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5801 Prime Sponsor, Senator Winsley: Regulating job order contracting for public works. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 4, line 15, after "39.08," insert "39.12,"

On page 4, beginning on line 19, strike the entire subsection (14) through line 23.

Re-number the subsections consecutively and correct internal references accordingly

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott; Nixon; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

April 2, 2003



SSB 5811 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Requiring greater opportunities for involvement of birth families in foster care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 4, strike all of section 1 and insert:

"NEW SECTION. Sec. 4. The legislature finds that a large group of children spend a significant part of their lives in foster care. Each individual connected to a child in an out-of-home placement must have an abiding appreciation of the seriousness of the child's separation from his or her family and the past, whether that separation is short, long, or permanent in nature. It is the intent of the legislature to recognize and honor the history and the family connections that each child brings to an out-of-home placement.

The legislature finds that creating and sanctioning a connection between a child's birth parents and foster family, when appropriate, can result in better relationships among birth families, children, foster families, and social workers. Creating and sanctioning this connection can result in greater foster placement stability and fewer disruptions for children, as well as greater satisfaction for foster parents and social workers."

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5824 Prime Sponsor, Senate Committee On Government Operations & Elections: Allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5852 Prime Sponsor, Senate Committee On Commerce & Trade: Enacting procedural enhancements to the master settlement agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5865 Prime Sponsor, Senator B. Sheldon: Including recreation facilities under certain public facilities districts' authority. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, after "facilities" insert "other than ski areas"

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5868 Prime Sponsor, Senate Committee On Highways & Transportation: Releasing driving abstracts of prospective volunteers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5870 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Revising provisions relating to registration of sex offenders and kidnapping offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Lovick and Pearson.

Passed to Committee on Rules for second reading.

April 4, 2003

ESSB 5889 Prime Sponsor, Senate Committee On Agriculture: Concerning a livestock nutrient management program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 2, line 27, after "(h)" insert "A representative of the Washington association of conservation districts, appointed by the association's board of officers;  
(i)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler and Hunt.

Referred to Committee on Appropriations.

April 3, 2003

2SSB 5890 Prime Sponsor, Senate Committee On Ways & Means: Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that the supreme court ordered the department of labor and industries to initiate rulemaking on a mandatory cholinesterase monitoring program for agricultural pesticide handlers. The legislature intends to examine whether the rulemaking process should include a pilot project. The legislature also intends to scrutinize closely the adoption of rules mandating cholinesterase monitoring by the department of labor and industries."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Hudgins and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse; Holmquist and Kenney.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5891 Prime Sponsor, Senate Committee On Agriculture: Identifying livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

April 3, 2003

ESSB 5903 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Providing additional sentencing alternatives for juvenile offenders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

#### DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
--	-------------------------------	--

#### Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C

C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +
D +	Reckless Endangerment (9A.36.050)	E
C +	Promoting Suicide Attempt (9A.36.060)	D +
D +	Coercion (9A.36.070)	E
C +	Custodial Assault (9A.36.100)	D +

**Burglary and Trespass**

	Burglary 1 (9A.52.020)	C +
B +		
	Residential Burglary (9A.52.025)	C
B		
	Burglary 2 (9A.52.030)	C
B		
	Burglary Tools (Possession of) (9A.52.060)	E
D		
	Criminal Trespass 1 (9A.52.070)	E
D		
	Criminal Trespass 2 (9A.52.080)	E
E		
	Vehicle Prowling 1 (9A.52.095)	D
C		
	Vehicle Prowling 2 (9A.52.100)	E
D		
	<b>Drugs</b>	
	Possession/Consumption of Alcohol (66.44.270)	E
E		
	Illegally Obtaining Legend Drug (69.41.020)	D
C		
	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
C +		
	Possession of Legend Drug (69.41.030)	E
E		
	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B +
B +		
	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
C		

E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D +	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

### **Homicide**

	Murder 1 (9A.32.030)	A
A +		
	Murder 2 (9A.32.050)	B +
A +		
	Manslaughter 1 (9A.32.060)	C +
B +		
	Manslaughter 2 (9A.32.070)	D +
C +		
	Vehicular Homicide (46.61.520)	C +
B +		

### **Kidnapping**

	Kidnap 1 (9A.40.020)	B +
A		
	Kidnap 2 (9A.40.030)	C +
B +		
	Unlawful Imprisonment (9A.40.040)	D +
C +		

### **Obstructing Governmental Operation**

	Obstructing a Law Enforcement Officer (9A.76.020)	E
D		
	Resisting Arrest (9A.76.040)	E
E		
	Introducing Contraband 1 (9A.76.140)	C
B		
	Introducing Contraband 2 (9A.76.150)	D
C		

E Introducing Contraband 3 (9A.76.160) E

B + Intimidating a Public Servant (9A.76.180) C +

B + Intimidating a Witness (9A.72.110) C +

### **Public Disturbance**

C + Riot with Weapon (9A.84.010) D +

D + Riot Without Weapon (9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

### **Sex Crimes**

A Rape 1 (9A.44.040) B +

A- Rape 2 (9A.44.050) B +

C + Rape 3 (9A.44.060) D +

A- Rape of a Child 1 (9A.44.073) B +

B + Rape of a Child 2 (9A.44.076) C +

B Incest 1 (9A.64.020(1)) C

C Incest 2 (9A.64.020(2)) D



D +	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B +	Promoting Prostitution 1 (9A.88.070)	C +
C +	Promoting Prostitution 2 (9A.88.080)	D +
E	O & A (Prostitution) (9A.88.030)	E
B +	Indecent Liberties (9A.44.100)	C +
A-	Child Molestation 1 (9A.44.083)	B +
B	Child Molestation 2 (9A.44.086)	C +
	<b>Theft, Robbery, Extortion, and Forgery</b>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B +
B +	Robbery 2 (9A.56.210)	C +

B +	Extortion 1 (9A.56.120)	C +
C +	Extortion 2 (9A.56.130)	D +
C	Identity Theft 1 (9.35.020(2)(a))	D
D	Identity Theft 2 (9.35.020(2)(b))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))	D

#### **Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.005)	E
B +	Hit and Run - Death (46.52.020(4)(a))	C +
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D

C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
<b>Other</b>		
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ~~(C)~~ C, D, or section 3 of this act.

**OPTION A  
JUVENILE OFFENDER  
SENTENCING GRID  
STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A  
+

103 WEEKS TO 129 WEEKS

A

15-36      52-65      80-100      103-129

A-

WEEKS WEEKS WEEKS

WEEKS

EXCEPT

30-40

WEEKS  
FOR

15-17

YEAR  
OLDS

B + 15-36                      80-100   103-129  
52-65

Current

Offense                      WEEKS   WEEKS   WEEKS  
WEEKS                      WEEKS

Category

LOCAL

52-65

B

   15-36  
   WEEKS                      WEEKS  
SANCTIONS (LS)

LS

C  
+

15-36  
WEEKS

LS

15-36  
WEEKS

C

Local Sanctions:

0 to 30 Days

D  
+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

LS

E

1 2 3 4  
or more

0

## PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

### **OR OPTION B**

#### **SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

### **OR**

#### **OPTION C**

#### **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

### **OR**

#### **OPTION ((C)) D MANIFEST INJUSTICE**

If the court determines that a disposition under option A ((C)), B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 2.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to read as follows:



(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (3), ~~((and))~~ (4), or (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (3), ~~((and))~~ (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ~~((€))~~ D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option ~~((€))~~ D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under section 3 of this act.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

~~((6))~~ (7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ (8) Except as provided under subsection (3) ~~((8))~~, (4), or (5) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.40 RCW to read as follows:

(1) When an offender is subject to a standard range commitment of 15 to 65 weeks, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition of not more than 65 weeks, suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030.

**Sec. 4.** RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are each reenacted and amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the

respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option ((C)) D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**NEW SECTION. Sec. 5.** Because model adherence and competent delivery of research-based intervention programs is critical for reducing recidivism, the Washington state institute for public policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in this act. The standards shall be developed and presented to the governor and legislature no later than January 1, 2004. The standards shall include methods for measuring competent delivery of interventions as well as success factors following treatment. The standards shall include, but not be limited to hiring, training and retaining qualified providers, managing and overseeing the delivery of treatment services, and developing quality assurance measures. The department shall utilize these standards to assess program effectiveness. The courts shall also

utilize these standards in determining their continued use of these alternatives. The courts shall not continue to use programs that do not comply with these standards.

**NEW SECTION. Sec. 6.** (1) A task force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools, following their conviction.

(2) The task force shall be chaired by the superintendent of public instruction and include a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

(3) The task force shall identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede: (a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and (b) transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection (3).

(4) The task force shall report its findings and recommendations to the governor, the legislature, and the agencies represented on the task force not later than December 1, 2003.

**NEW SECTION. Sec. 7.** Sections 5 and 6 of this act expire December 31, 2003.

**NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Uptegrove.

Referred to Committee on Appropriations.

April 3, 2003

ESSB 5904 Prime Sponsor, Senate Committee On Ways & Means: Concerning prescription drug assistance programs for seniors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that prescription drugs are an effective and important part of efforts to maintain and improve the health of Washington state residents. However, their increased cost and utilization is straining the resources of many people, particularly low-income elderly people who lack insurance coverage for such drugs. Furthermore, inappropriate use of prescription drugs can result in unnecessary expenditures and lead to serious health consequences. It is therefore the intent of the legislature to establish an evidence-based preferred drug list, develop programs to provide prescription drugs at an affordable price to those in need, and increase public awareness regarding their safe and cost-effective use.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, and subject to any conditions placed on appropriations made for this purpose, the department shall design the medicaid prescription drug assistance program. Neither the benefits of, nor eligibility for, the program is considered to be an entitlement.

(2) The department is directed to obtain necessary federal waivers to implement this program.

Consistent with federal waiver conditions, the department is authorized to charge enrollment fees, premiums, or point-of-service cost-sharing to enrollees of the program.

(3) Eligibility for this program is limited to persons:

(a) Who are eligible for medicare or age sixty-five and older;

(b) Whose family income does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(c) Who do not otherwise have insurance that provides prescription drug coverage; and

(d) Who are not otherwise eligible under Title XIX of the federal social security act.

(4) The department is authorized to use a cost-effective prescription drug benefit design. Consistent with federal waiver conditions, this benefit design can be different than the benefit design offered under the medical assistance program. The benefit design may include a deductible benefit that provides coverage when enrollees incur higher prescription drug costs as defined by the department. The department also may offer more than one benefit design.

(5) The department is authorized to limit enrollment of persons who qualify for the program so as to prevent an overexpenditure of appropriations for this program or to assure necessary compliance with federal waiver budget neutrality requirements. The department shall not reduce existing medical assistance program eligibility or benefits to assure compliance with federal waiver budget neutrality requirements.

(6) No funds from an approved federal waiver that allows for the collection of premiums from medicaid clients will be used to finance the medicaid prescription drug assistance program.

(7) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the federal social security act.

(8) The department shall provide recommendations to the appropriate committees of the senate and house of representatives by November 15, 2003, on financing options available to support the medicaid prescription drug assistance program. In recommending financing options, the department shall explore every opportunity to maximize federal funding to support the program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority shall establish a prescription drug purchasing consortium and shall coordinate the participation of state agencies and private individuals in the consortium. The authority shall establish a preferred drug list for use as provided in this chapter through an evidence-based process that evaluates the efficacy of prescription drugs, considering safety, efficacy, likelihood of compliance, outcomes, and any unique impacts on specific populations based upon factors such as sex, age, ethnicity, race, or disability. The preferred drug list shall be used for entities and private individuals participating in the consortium.

(2) State purchased health care programs shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of retail pharmacies. The administrator shall not require that any supplemental rebate offered by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to state purchased health care programs other than medical assistance, or to private individuals participating in the consortium. The administrator shall explore joint purchasing opportunities with other states to achieve quality cost-effective prescription drug coverage for those participating in the consortium.

(3) Participation in the purchasing consortium and other related activities is purely voluntary for individuals who lack insurance or are underinsured for prescription drug coverage. Unaffiliated individuals who participate in the consortium shall receive reduced costs comparable to those negotiated by the consortium for its preferred prescription drugs. The administrator may set reasonable fees, including enrollment fees for participating individuals, to cover administrative costs attributable to participation in prescription drug consortium activities. A private individual may limit their participation to one or more of the consortium's program components.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

The consolidated prescription drug purchasing account is created in the custody of the state treasurer. All receipts under section 3(3) of this act from the fees from the price discount program created in section 3 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of section 3 of this act. Only the administrator or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall establish and advertise a pharmacy connection program through which health care providers and members of the public can obtain information about manufacturer-sponsored prescription drug assistance programs. The administrator shall ensure that the program has staff available who can assist persons in procuring free or discounted medications from manufacturer-sponsored prescription drug assistance programs by:

(a) Determining whether an assistance program is offered for the needed drug or drugs;

(b) Evaluating the likelihood of a person obtaining drugs from an assistance program under the guidelines formulated;

(c) Assisting persons with the application and enrollment in an assistance program;

(d) Coordinating and assisting physicians and others authorized to prescribe medications with communications, including applications, made on behalf of a person to a participating manufacturer to obtain approval of the person in an assistance program; and

(e) Working with participating manufacturers to simplify the system whereby eligible persons access drug assistance programs, including development of a single application form and uniform enrollment process.

(2) Notice regarding the pharmacy connection program shall initially target senior citizens, but the program shall be available to anyone, and shall include a toll-free telephone number, available during regular business hours, that may be used to obtain information.

(3) The administrator may apply for and accept grants or gifts and may enter into interagency agreements or contracts with other state agencies or private organizations to assist with the implementation of this program including, but not limited to, contracts, gifts, or grants from pharmaceutical manufacturers to assist with the direct costs of the program.

(4) The administrator shall notify pharmaceutical companies doing business in Washington of the pharmacy connection program. Any pharmaceutical company that does business in this state and that offers a pharmaceutical assistance program shall notify the administrator of the existence of the program, the drugs covered by the program, and all information necessary to apply for assistance under the program.

(5) For purposes of this section, "manufacturer-sponsored prescription drug assistance program" means a program offered by a pharmaceutical company through which the company provides a drug or drugs to eligible persons at no charge or at a reduced cost. The term does not include the provision of a drug as part of a clinical trial.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.09 RCW to read as follows:

Each of the state's area agencies on aging shall implement a program intended to inform and train persons sixty-five years and older in the safe and appropriate use of prescription and nonprescription medications. To further this purpose, the department shall award a development grant of up to twenty-five thousand dollars to each of the agencies upon a showing that:

(1) The agency has the ability to effectively administer such a program, including an understanding of the relevant issues and appropriate outreach and follow-up;

(2) The agency can bring resources to the program in addition to those funded by the grant; and

(3) The program will be a collaborative effort between the agency and other health care providers and programs in the location to be served, including doctors, pharmacists, and long-term care providers.

**NEW SECTION. Sec. 7.** A new section is added to chapter 41.05 RCW to read as follows:

The authority may adopt rules to implement this act.

**NEW SECTION. Sec. 8.** By January 1, 2005, the administrator of the health care authority and the director of the department of social and health services shall submit to the governor and the legislature a progress report regarding the implementation of the programs created in this act."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander and Benson.

Referred to Committee on Appropriations.

April 3, 2003

SSB 5910 Prime Sponsor, Senate Committee On Judiciary: Protecting sport shooting ranges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Uptegrove, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Berkey; Clibborn; Edwards; Ericksen; Mielke and Moeller.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5933 Prime Sponsor, Senate Committee On Commerce & Trade: Authorizing cigarette tax contracts between the state and additional Indian tribes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5935 Prime Sponsor, Senator Brandland: Consolidating fire service mobilization responsibilities within the Washington state patrol. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

April 2, 2003

SB 5937 Prime Sponsor, Senator Parlette: Adding to the scenic and recreational highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

April 2, 2003

ESSB 5942 Prime Sponsor, Senate Committee On Commerce & Trade: Concerning licensing requirements for elevator mechanics and contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **"PART I - LICENSING REQUIREMENTS**

**Sec. 1.** RCW 70.87.230 and 2002 c 98 s 10 are each amended to read as follows:

~~((No person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within a building or structures within the jurisdiction of this))~~ Except as provided in section 4 of this act, a person may not perform conveyance work within the state unless he or she ~~((has))~~ is an elevator mechanic ~~((license and the person))~~ who is regularly employed by and is working: (1) For an owner exempt from licensing requirements under section 4 of this act and performing maintenance; (2) for a public agency performing maintenance; or (3) under the direct supervision of ~~((a person, firm, or company who has an elevator contractors [contractor] license pursuant to this chapter))~~ an elevator contractor. A person, firm, public agency, or company is not required to ~~((have an elevator contractors [contractor] license))~~ be an elevator contractor for removing or dismantling conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the building is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

**Sec. 2.** RCW 70.87.240 and 2002 c 98 s 12 are each amended to read as follows:

(1) Any person, firm, public agency, or company wishing to engage in the business of ~~((installing, altering, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving sidewalks))~~ performing conveyance work within the ~~((jurisdiction))~~ state must ~~((make application))~~ apply for ~~((a))~~ an elevator contractor license with the department on a form provided by the department and be a registered general or specialty contractor under chapter 18.27 RCW.

(2) Except as provided by section 4 of this act, any person wishing to ~~((engage in installing, altering, repairing, or servicing elevators, dumbwaiters, escalators, or moving sidewalks))~~ perform conveyance work within the ~~((jurisdiction))~~ state must ~~((make application))~~ apply for ~~((a))~~ an elevator mechanic license with the department on a form provided by the department.

(3) ~~((No))~~ An elevator contractor license may not be granted to any person or firm who ~~((has not proven to))~~ does not possess the following qualifications:



(a) Five years' (~~(work)~~) experience (~~(in the elevator industry in construction, maintenance, and service or repair)~~) performing conveyance work, as verified by current and previous elevator contractors ~~((licenses))~~ licensed to do business; or

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(4) ~~((No))~~ Except as provided in subsection (5) of this section and section 3 of this act, an elevator mechanic license may not be granted to any person who ~~((has not proven to))~~ does not possess the following qualifications:

(a) An acceptable combination of documented experience and education credits: Not less than three years' (~~(work)~~) experience (~~(in the elevator industry, in construction, or maintenance and service or repair)~~) performing conveyance work, as verified by current and previous employers licensed to do business in this state or public agency employers; and

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(5) Any person who furnishes the department with acceptable proof that he or she has ~~((worked as an elevator constructor, or as a maintenance or repair person))~~ performed conveyance work in the category for which a license is sought shall upon making application for a license and paying the license fee ~~((is entitled to))~~ receive a license without an examination. The person must have:

(a) ~~Worked without direct and immediate supervision for ((an elevator contractor licensed to do business))~~ a general or specialty contractor registered under chapter 18.27 RCW and engaged in the business of performing conveyance work in this state. This employment may not be less than each and all of the three years immediately before ((June 13, 2002)) March 1, 2004. The person must ((make application within one year of June 13, 2002)) apply within ninety days after the effective date of rules adopted under this chapter establishing licensing requirements;

(b) Worked without direct and immediate supervision for an owner exempt from licensing requirements under section 4 of this act or a public agency as an individual responsible for maintenance of conveyances owned by the owner exempt from licensing requirements under section 4 of this act or the public agency. This employment may not be less than each and all of the three years immediately before March 1, 2004. The person must apply within ninety days after the effective date of rules adopted under this chapter establishing licensing requirements;

(c) Obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the national elevator industry educational program or its equivalent; or

~~((e))~~ (d) Obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Washington state apprenticeship and training council.

(6) A license must be issued to an individual holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of this chapter, upon application and without examination.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.87 RCW to read as follows:

**CATEGORIES OF LICENSURE.** A material lift mechanic license to perform conveyance work on material lifts subject to WAC 296-96-05010 may be granted to any person who possesses the following qualifications:

(1) The person: (a) Must be employed by an elevator contractor that complies with subsections (2) and (3) of this section; (b) must have successfully completed the training described in subsection (2) of this section; and (c) after successfully completing such training, must have passed a written examination administered by the department that is designed to demonstrate competency with regard to conveyance work on material lifts;

(2) The employer must provide the persons specified in subsection (1) of this section adequate training, including any training provided by the manufacturer, ensuring worker safety and adherence to the published operating specifications of the conveyance manufacturer; and

(3) The employer must maintain: (a) A conveyance work log identifying the equipment, describing the conveyance work performed, and identifying the person who performed the conveyance work; (b) a training log describing the course of study applicable to each conveyance and identifying each employee who has successfully completed the training described in subsection (2) of this section and when such training was completed; and (c) a record evidencing that the employer has notified the conveyance owner in writing that the conveyance is not designed to, is not intended to, and should not be used to convey workers.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.87 RCW to read as follows:

**EXEMPTIONS FROM LICENSURE.** (1) The licensing requirements of this chapter do not apply to the maintenance of conveyances specified in (a) of this subsection if a person specified in (b) of this subsection performs the maintenance and the owner complies with the requirements specified in (c) and (d) of this subsection.

(a) The conveyance: (i) Must be a conveyance other than a passenger elevator to which the general public has access; and (ii) must be located in a facility in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

(b) The person performing the maintenance: (i) Must be regularly employed by the owner; (ii) must have completed the training described in (c) of this subsection; and (iii) must have attained journey level status in an electrical or mechanical trade, but only if the employer has or uses an established journey level program to train its electrical or mechanical trade employees and the employees perform maintenance in the course of their regular employment.

(c) The owner must provide the persons specified in (b) of this subsection adequate training to ensure worker safety and adherence to the published operating specifications of the conveyance manufacturer, the applicable provisions of this chapter, and any rules adopted under this chapter.

(d) The owner also must maintain both a maintenance log and a training log. The maintenance log must describe maintenance work performed on the conveyance and identify the person who performed the work. The training log must describe the course of study provided to the persons specified in (b) of this subsection, including whether it is general or conveyance specific, and when the persons completed the course of study.

(2) It is a violation of chapter 49.17 RCW for an owner or an employer: (a) To allow a conveyance exempt from the licensing requirements of this chapter under subsection (1) of this section to be maintained by a person other than a person specified in subsection (1)(b) of this section or a licensee; or (b) to fail to maintain the logs required under subsection (1)(d) of this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.87 RCW to read as follows:

In order to effectively administer and implement the elevator mechanic licensing of this chapter, the department may establish elevator mechanic license categories in rule.

**NEW SECTION. Sec. 6.** A new section is added to chapter 70.87 RCW to read as follows:

The department of labor and industries may not adopt rules to implement chapter 98, Laws of 2002, and to implement this act that take effect before March 1, 2004.

## **PART II - ADVISORY COMMITTEE**

**Sec. 7.** RCW 70.87.220 and 2002 c 98 s 11 are each amended to read as follows:

(1) The department may adopt the rules necessary to establish and administer the elevator safety advisory committee. The purpose of the advisory committee is to advise the department on the adoption of rules that apply to conveyances; methods of enforcing and administering this chapter; and matters of concern to the conveyance industry and to the individual installers, owners, and users of conveyances.

(2) The advisory committee shall consist(=) of ((five)) seven persons ((appointed by)). The director of the department or his or her designee with the advice of the chief elevator inspector shall appoint the committee members as follows:

(a) One representative of licensed elevator contractors;

(b) One representative of elevator mechanics licensed to perform all types of conveyance work;

(c) One representative of owner-employed mechanics exempt from licensing requirements under section 4 of this act;

(d) One registered architect or professional engineer representative;

(e) One building owner or manager representative;

(f) One registered general commercial contractor representative; and

(g) One ad hoc member representing a municipality maintaining jurisdiction of conveyances in accordance with RCW 70.87.210.

(3) The committee members shall serve terms of four years.

(4) The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief ~~((of the))~~ elevator ~~((section))~~ inspector. The committee members shall serve without per diem or travel expenses.

(5) The chief elevator inspector shall be the secretary for the advisory committee.

**NEW SECTION. Sec. 8.** A new section is added to chapter 70.87 RCW to read as follows:

(1) The elevator safety advisory committee shall review this chapter as it pertains to the regulation of private residence conveyances. The advisory committee shall report its findings and recommendations to the legislature by January 1, 2004. Until July 1, 2004, the licensing requirements of this chapter do not apply to conveyance work on private residential conveyances if the person performing the conveyance work is working at the direction of the owner, and the owner resides in the residence at which the conveyance is located. This section shall not be construed as modifying any other requirements of this chapter applicable to private residential conveyances.

(2) This section expires July 1, 2004.

### PART III - DEFINITIONS

**Sec. 9.** RCW 70.87.010 and 2002 c 98 s 1 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

- (1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise;
- (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, and other elevating devices, as defined in this section;
- (3) "Existing installations" means an installation defined as an "installation, existing" in this chapter or in rules adopted under this chapter;
- (4) "Elevator" means a hoisting or lowering machine equipped with a car or platform that moves in guides and serves two or more floors or landings of a building or structure;
  - (a) "Passenger elevator" means an elevator (i) on which passengers are permitted to ride and (ii) that may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;
  - (b) "Freight elevator" means an elevator (i) used primarily for carrying freight and (ii) on which only the operator, the persons necessary for loading and unloading, and other employees approved by the department are permitted to ride;
  - (c) "Sidewalk elevator" means a freight elevator that: (i) Operates between a sidewalk or other area outside the building and floor levels inside the building below the outside area, (ii) ~~((has no))~~ does not have a landing opening into the building at its upper limit of travel, and (iii) is not used to carry automobiles;
  - (d) "Hand elevator" means an elevator utilizing manual energy to move the car;
  - (e) "Inclined elevator" means an elevator that travels at an angle of inclination of seventy degrees or less from the horizontal;
  - (f) "Multideck elevator" means an elevator having two or more compartments located one immediately above the other;
  - (g) "Observation elevator" means an elevator designed to permit exterior viewing by passengers while the car is traveling;
  - (h) "Power elevator" means an elevator utilizing energy other than gravitational or manual to move the car;
  - (i) "Electric elevator" means an elevator where the energy is applied by means of an electric driving machine;
  - (j) "Hydraulic elevator" means an elevator where the energy is applied by means of a liquid under pressure in a cylinder equipped with a plunger or piston;
  - (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator having a plunger or cylinder directly attached to the car frame or platform;
  - (l) "Electro-hydraulic elevator" means a direct-plunger elevator where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor;
  - (m) "Maintained-pressure hydraulic elevator" means a direct-plunger elevator where liquid under pressure is available at all times for transfer into the cylinder;
  - (n) "Roped hydraulic elevator" means a hydraulic elevator having its plunger or piston connected to the car with wire ropes or indirectly coupled to the car by means of wire ropes and sheaves;
  - (o) "Rack and pinion elevator" means a power elevator, with or without a counterweight, that is supported, raised, and lowered by a motor or motors that drive a pinion or pinions on a stationary rack mounted in the hoistway;
  - (p) "Screw column elevator" means a power elevator having an uncounterweighted car that is supported, raised, and lowered by means of a screw thread;
  - (q) "Rooftop elevator" means a power passenger or freight elevator that operates between a landing at roof level and one landing below and opens onto the exterior roof level of a building through a horizontal opening;
  - (r) "Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed, and permanently installed in structures such as grain elevators, radio antenna, bridge towers, underground facilities, dams, power plants, and similar structures to provide vertical transportation of authorized personnel and their tools and equipment only;
  - (s) "Workmen's construction elevator" means an elevator that is not part of the permanent structure of a building and is used to raise and lower workers and other persons connected with, or related to, the building project;
  - (t) "Boat launching elevator" means ~~((an elevator, as defined by subsections (2) and (4) of this section,))~~ a conveyance that serves a boat launching structure and a beach or water surface and is used for the carrying or handling of boats in which people ride;

(u) "Limited-use/limited-application elevator" means a power passenger elevator where the use and application is limited by size, capacity, speed, and rise, intended principally to provide vertical transportation for people with physical disabilities;

(5) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car (a) that moves in guides in a substantially vertical direction, (b) the floor area of which does not exceed nine square feet, (c) the inside height of which does not exceed four feet, (d) the capacity of which does not exceed five hundred pounds, and (e) that is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator: (a) Located in either a stationary or horizontally moving hoistway; (b) used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power-driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator; and (c) in which ~~((no))~~ persons are not normally stationed on any level except the receiving level;

(8) "Moving walk" means a passenger carrying device (a) on which passengers stand or walk and (b) on which the passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a power driven endless belt provided with steps or platforms and a hand hold for the transportation of personnel from floor to floor;

(10) "Department" means the department of labor and industries;

(11) "Director" means the director of the department or his or her representative;

(12) "Inspector" means an elevator inspector of the department or an elevator inspector of a municipality having in effect an elevator ordinance pursuant to RCW 70.87.200;

(13) "Permit" means a permit issued by the department: (a) To ~~((construct, install,))~~ perform conveyance work, other than maintenance; or (b) to operate a conveyance;

(14) "Person" means this state, a political subdivision, any public or private corporation, any firm, or any other entity as well as an individual;

(15) "One-man capacity manlift" means a single passenger, hand- powered counterweighted device, or electric-powered device, that travels vertically in guides and serves two or more landings;

(16) "Private residence conveyance" means a conveyance installed in or on the premises of a single-family dwelling and operated for transporting persons or property from one elevation to another;

(17) "Material hoist" means a hoist that is not a part of a permanent structure used to raise or lower materials during construction, alteration, or demolition. It is not applicable to the temporary use of permanently installed personnel elevators as material hoists;

(18) "Material lift" means a lift that (a) is permanently installed, (b) is comprised of a car or platform that moves in guides, (c) serves two or more floors or landings, (d) travels in a vertical or inclined position, (e) is an isolated, self-contained lift, (f) is not part of a conveying system, and (g) is installed in a commercial or industrial area not accessible to the general public or intended to be operated by the general public;

(19) "Casket lift" means a lift that (a) is installed at a mortuary, (b) is designed exclusively for carrying of caskets, (c) moves in guides in a basically vertical direction, and (d) serves two or more floors or landings;

(20) "Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by physically handicapped persons;

(21) "Stairway chair lift" means a lift that travels in a basically inclined direction and is designed for use by physically handicapped persons;

(22) "Personnel hoist" means a hoist that is not a part of a permanent structure, is installed inside or outside buildings during construction, alteration, or demolition, and used to raise or lower workers and other persons connected with, or related to, the building project. The hoist may also be used for transportation of materials;

(23) "Advisory committee" means the elevator advisory committee as described in this chapter;

(24) "Elevator helper/apprentice" means a person who works under the general direction of a licensed elevator mechanic. A license is not required to be an elevator helper/apprentice;

(25) "Elevator contractor" means any person, firm, or company that possesses an elevator contractor license in accordance with this chapter and who is engaged in the business of performing conveyance work covered by this chapter;

(26) "Elevator mechanic" means any person who possesses an elevator mechanic license in accordance with this chapter and who is engaged in ~~((erecting, constructing, installing, altering, servicing [servicing], repairing, or maintaining elevators or related conveyances))~~ performing conveyance work covered by this chapter;

~~((26))~~ (27) "License" means a written license, duly issued by the department, authorizing a person, firm, or company to carry on the business of ~~((erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances))~~ performing conveyance work or to perform conveyance work covered by this chapter;

~~((27))~~ (28) "Elevator contractor license" means a license that is issued to an elevator contractor who has met the qualification requirements established in RCW 70.87.240;

~~((28))~~ (29) "Elevator mechanic license" means a license that is issued to a person who has met the qualification requirements established in RCW 70.87.240;

~~((29))~~ (30) "Licensee" means the elevator mechanic or elevator contractor;

(31) "Conveyance work" means the alteration, construction, dismantling, erection, installation, maintenance, relocation, and wiring of a conveyance;

(32) "Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement;

(33) "Maintenance" means a process of routine examination, lubrication, cleaning, servicing, and adjustment of parts, components, and/or subsystems for the purpose of ensuring performance in accordance with this chapter. "Maintenance" includes repair and replacement, but not alteration;

(34) "Repair" means the reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with this chapter;

(35) "Replacement" means the substitution of a device, component, and/or subsystem in its entirety with a unit that is basically the same as the original for the purpose of ensuring performance in accordance with this chapter;

(36) "Public agency" means a county, incorporated city or town, municipal corporation, state agency, institution of higher education, political subdivision, or other public agency and includes any department, bureau, office, board, commission or institution of such public entities;

(37) "Platform" means a rigid surface that is maintained in a horizontal position at all times when in use, and upon which passengers stand or a load is carried.

#### PART IV - TECHNICAL AMENDMENTS

**Sec. 10.** RCW 70.87.020 and 2002 c 98 s 2 are each amended to read as follows:

(1) The purpose of this chapter is to provide for safety of life and limb, to promote safety awareness, and to ensure the safe(=) design, mechanical and electrical operation, ~~((erection, installation, alteration, maintenance, inspection, and repair of conveyances))~~ and inspection of conveyances, and performance of conveyance work, and all such operation, ~~((erection, installation, alteration,))~~ inspection, and ~~((repair))~~ conveyance work subject to the provisions of this chapter shall be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington, and all orders, and rules of the department. The use of unsafe and defective ~~((lifting devices))~~ conveyances imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. ~~((Elevator))~~ Personnel performing work covered by this chapter must, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience must include, but not be limited to, recognizing the safety hazards and performing the procedures to which ~~((they))~~ the personnel performing conveyance work covered by this chapter are assigned in conformance with the requirements of ~~((the [this])~~ this chapter. This chapter establishes the minimum standards for ~~((elevator))~~ personnel performing conveyance work.

(2) This chapter is not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in this chapter and the rules adopted under this chapter.

(3) In any suit for damages allegedly caused by a failure or malfunction of the conveyance, conformity with the rules of the department is prima facie evidence that the ~~((operation, erection, installation, alteration, maintenance, inspection, and repair of the))~~ conveyance work, operation, and inspection is reasonably safe to persons and property.

**Sec. 11.** RCW 70.87.030 and 2002 c 98 s 3 are each amended to read as follows:

The department shall adopt rules governing the mechanical and electrical operation, ~~((erection, installation, alterations, inspection,))~~ acceptance tests, ~~((and repair of conveyances))~~ conveyance work, operation, and inspection that are necessary and appropriate and shall also adopt minimum standards governing existing installations. In the execution of this rule-making power and before the adoption of rules, the department shall consider the rules for ~~((the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances))~~ safe conveyance work, operation, and inspection, including the American National Standards Institute Safety Code for Personnel and Material Hoists, the American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, and Escalators, and any amendatory or supplemental provisions thereto. The department by rule shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter limits the authority of the department to prescribe or enforce general or special safety orders as provided by law.

The department may consult with: Engineering authorities and organizations concerned with standard safety codes; rules and regulations governing ~~((the operation, maintenance, servicing, construction, alteration, installation, and/or inspection of elevators, dumbwaiters, and escalators, etcetera))~~ conveyance work, operation,

and inspection; and the qualifications that are adequate, reasonable, and necessary for the elevator mechanic, contractor, and inspector.

**Sec. 12.** RCW 70.87.050 and 2002 c 98 s 4 are each amended to read as follows:

The ~~((operation, erection, installation, alteration, maintenance, inspection, and repair))~~ conveyance work on, and the operation and inspection of any conveyance located in, or used in connection with, any building owned by the state, a county, or a political subdivision, other than those located within and owned by a city having an elevator code, shall be under the jurisdiction of the department.

**Sec. 13.** RCW 70.87.060 and 1983 c 123 s 6 are each amended to read as follows:

(1) The person ~~((installing, relocating, or altering a))~~, elevator contractor, or public agency performing conveyance work is responsible for ~~((its))~~ operation and maintenance of the conveyance until the department has issued an operating permit for the conveyance, except during the period when a limited operating permit in accordance with RCW 70.87.090(2) is in effect, and is also responsible for all tests of a new, relocated, or altered conveyance until the department has issued an operating permit for the conveyance.

(2) The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the department has issued the operating permit and also during the period of effectiveness of any limited operating permit in accordance with RCW 70.87.090(2). The owner shall be responsible for all periodic tests required by the department.

**Sec. 14.** RCW 70.87.080 and 1983 c 123 s 8 are each amended to read as follows:

(1) ~~((An installation))~~ A permit shall be obtained from the department before ~~((erecting, installing, relocating, or altering))~~ performing work, other than maintenance, on a conveyance under the jurisdiction of the department.

(2) The installer of the conveyance shall submit an application for the permit in duplicate, in a form that the department may prescribe.

(3) The permit issued by the department shall be kept posted conspicuously at the site of installation.

(4) ~~((No))~~ A permit is not required for ~~((repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design))~~ maintenance.

(5) After the effective date of rules adopted under this chapter establishing licensing requirements, the department may issue a permit for conveyance work only to an elevator contractor unless the permit is for conveyance work on private residence conveyances. After July 1, 2004, the department may not issue a permit for conveyance work on private residence conveyances to a person other than an elevator contractor.

**Sec. 15.** RCW 70.87.100 and 2002 c 98 s 5 are each amended to read as follows:

(1) All ~~((new))~~ conveyance installations, relocations, or alterations must be performed by ~~((a person, firm, or company to which a license to install, relocate, or alter conveyances has been issued))~~ an elevator contractor employing an elevator mechanic.

(2) The ~~((person or firm installing, relocating, or altering a))~~ elevator contractor employing an elevator mechanic performing such conveyance work shall notify the department before completion of the work, and shall subject the new, moved, or altered portions of the conveyance to the acceptance tests.

(3) All new, altered, or relocated conveyances for which a permit has been issued, shall be inspected for compliance with the requirements of this chapter by an authorized representative of the department. The authorized representative shall also witness the test specified.

**Sec. 16.** RCW 70.87.125 and 2002 c 98 s 6 are each amended to read as follows:

(1) A license issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon verification that any one or more of the following reasons exist:

(a) Any false statement as to a material matter in the application;

(b) Fraud, misrepresentation, or bribery in securing a license;

(c) Failure to notify the department and the owner or lessee of ~~((an elevator))~~ a conveyance or related mechanisms of any condition not in compliance with this chapter; ~~((and))~~

(d) A violation of any provisions of this chapter; and

(e) If the elevator contractor does not employ an individual designated as the primary point of contact with the department and who has successfully completed the elevator contractor examination. In the case of a separation of employment, termination of this relationship or designation, or death of the designated individual, the elevator contractor must, within ninety days, designate a new individual who has successfully completed the elevator contractor examination.

(2) The department may suspend or revoke a permit if:

(a) The permit was obtained through fraud or by error if, in the absence of error, the department would not have issued the permit;

(b) The conveyance for which the permit was issued has not been ~~((constructed, installed, maintained, or repaired))~~ worked on in accordance with ~~((the requirements of))~~ this chapter; or

(c) The conveyance has become unsafe.

(3) The department shall suspend any license issued under this chapter promptly after receiving notice from the department of social and health services that the holder of the license has been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a support order. If the person has continued to meet all other license requirements during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) The department shall notify in writing the owner, licensee, or person ~~((installing the conveyance))~~ performing conveyance work, of its action and the reason for the action. The department shall send the notice by certified mail to the last known address of the owner or person. The notice shall inform the owner or person that a hearing may be requested pursuant to RCW 70.87.170.

~~((4))~~ (5)(a) If the department has suspended or revoked a permit or license because of fraud or error, and a hearing is requested, the suspension or revocation shall be stayed until the hearing is concluded and a decision is issued.

(b) If the department has revoked or suspended a license because the ~~((elevator personnel))~~ licensee performing the work covered by this chapter is working in a manner that does not effectively prevent injuries or deaths or protect employees and the public from unsafe conditions as is required by this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

(c) If the department has revoked or suspended a permit because the conveyance is unsafe or the conveyance work is not ~~((constructed, installed, maintained, or repaired))~~ permitted and performed in accordance with this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

~~((5))~~ (6) The department must remove a suspension or reinstate a revoked license if the licensee pays all the assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter.

~~((6))~~ (7) The department shall remove a suspension or reinstate a revoked permit if a conveyance is repaired or modified to bring it into compliance with this chapter.

**Sec. 17.** RCW 70.87.145 and 2002 c 98 s 7 are each amended to read as follows:

(1) An authorized representative of the department may order the owner or person operating a conveyance to discontinue the operation of a conveyance, and may place a notice that states that the conveyance may not be operated on a conspicuous place in the conveyance, if ~~((the conveyance))~~:

(a) The conveyance work has not been ~~((constructed, installed, maintained, or repaired))~~ permitted and performed in accordance with ~~((the requirements of))~~ this chapter; or

(b) The conveyance has otherwise become unsafe.

The order is effective immediately, and shall not be stayed by a request for a hearing.

(2) The department shall prescribe a form for the order to discontinue operation. The order shall specify why the conveyance violates this chapter or is otherwise unsafe, and shall inform the owner or operator that he or she may request a hearing pursuant to RCW 70.87.170. A request for a hearing does not stay the effect of the order.

(3) The department shall rescind the order to discontinue operation if the conveyance is fixed or modified to bring it into compliance with this chapter.

(4) An owner or a person that knowingly operates or allows the operation of a conveyance in contravention of an order to discontinue operation, or removes a notice not to operate, is:

(a) Guilty of a misdemeanor; and

(b) Subject to a civil penalty under RCW 70.87.185.

(5) The department may conduct random on-site inspections and tests on existing installations, witnessing periodic inspections and testing in order to ensure satisfactory ~~((performance by licensed))~~ conveyance work by persons, firms, or companies performing conveyance work, and assist in development of public awareness programs.

**Sec. 18.** RCW 70.87.170 and 2002 c 98 s 8 are each amended to read as follows:

(1) Any person aggrieved by an order or action of the department denying, suspending, revoking, or refusing to renew a permit or license; assessing a penalty for a violation of this chapter; or ordering the operation of a conveyance to be discontinued, may request a hearing within fifteen days after notice ~~((to))~~ of the department's order or action is received. The date the hearing was requested shall be the date the request for hearing was postmarked. The party requesting the hearing must accompany the request with a certified or cashier's check for two hundred dollars payable to the department. The department shall refund the two hundred dollars if the party requesting the hearing prevails at the hearing; otherwise, the department shall retain the two hundred dollars.

If the department does not receive a timely request for hearing, the department's order or action is final and may not be appealed.

(2) If the aggrieved party requests a hearing, the department shall ask an administrative law judge to preside over the hearing. The hearing shall be conducted in accordance with chapter 34.05 RCW.

**Sec. 19.** RCW 70.87.180 and 2002 c 98 s 9 are each amended to read as follows:

(1) The ~~((construction, installation, relocation, alteration, maintenance, or))~~ performance of conveyance work, other than maintenance, or the operation of a conveyance without a permit by any person owning or having the custody, management, or operation thereof, except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor. Each day of violation is a separate offense. ~~((No))~~ A prosecution may not be maintained ~~((where))~~ if a person has requested the issuance or renewal of a permit ~~((has been requested but upon which no action has been taken by))~~ but the department has not acted.

(2) The ~~((construction, installation, relocation, alteration, maintenance, or operation of a conveyance))~~ performance of conveyance work, other than the maintenance of conveyances as specified in section 4 of this act, without a license by any person is a misdemeanor. Each day of violation is a separate offense. ~~((No))~~ A prosecution may not be maintained ~~((where))~~ if a person has requested the issuance or renewal of a license ~~((has been requested by an applicant but upon which no action has been taken by))~~ but the department has not acted.

**Sec. 20.** RCW 70.87.200 and 1983 c 123 s 22 are each amended to read as follows:

(1) The provisions of this chapter do not apply where:

(a) A conveyance is permanently removed from service or made effectively inoperative; or

(b) Lifts, man hoists, or material hoists are erected temporarily for use during construction work only and are of such a design that they must be operated by a workman stationed at the hoisting machine.

(2) Except as limited by RCW 70.87.050, municipalities having in effect an elevator code prior to June 13, 1963 may continue to assume jurisdiction over ~~((the operation, erection, installation, alteration, or repair of elevators, escalators, dumbwaiters, moving walks, manlifts, and parking elevators))~~ conveyance work and may inspect, issue permits, collect fees, and prescribe minimum requirements for ~~((the construction, design, use, and maintenance of conveyances))~~ conveyance work and operation if the requirements are equal to the requirements of this chapter and to all rules pertaining to conveyances adopted and administered by the department. Upon the failure of a municipality having jurisdiction over conveyances to carry out the provisions of this chapter with regard to a conveyance, the department may assume jurisdiction over the conveyance. If a municipality elects not to maintain jurisdiction over certain conveyances located therein, it may enter into a written agreement with the department transferring exclusive jurisdiction of the conveyances to the department. The city may not reassume jurisdiction after it enters into such an agreement with the department.

**Sec. 21.** RCW 70.87.250 and 2002 c 98 s 13 are each amended to read as follows:

(1) Upon approval of an application, the department may issue a license that is ~~((biannually [biennially]))~~ biennially renewable. The fee for the license and for any renewal shall be set by the department in rule.

(2) The department may issue temporary elevator mechanic licenses. These temporary elevator mechanic licenses will be issued to those certified as qualified and competent by licensed elevator contractors. The company shall furnish proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular ~~((elevators))~~ conveyance or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. A temporary elevator mechanic license ~~((must))~~ may be renewed by the department and a fee as established in rule must be charged for any temporary elevator mechanic license or renewal.

(3) The renewal of all licenses granted under this section is conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing rules of the department. The course must consist of not less than eight hours of instruction that must be attended and completed within one year immediately preceding any license renewal.

(4) The courses must be taught by instructors through continuing education providers that may include, but are not limited to, association seminars and labor training programs. The department must approve the continuing education providers. All instructors must be approved by the department and are exempt from the requirements of subsection (3) of this section with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(5) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. This will be on a form provided by the department and signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary



disability. At which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

(6) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees and these records must be available for inspection by the department at its request. Approved training providers are responsible for the security of all attendance records and certificates of completion. However, falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

**Sec. 22.** RCW 70.87.260 and 2002 c 98 s 14 are each amended to read as follows:

This chapter cannot be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, (~~(maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator)~~) testing, inspecting, or performing conveyance work on any conveyance or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising hereunder.

## PART V - EFFECTIVE DATE

NEW SECTION. **Sec. 23.** Part headings and captions used in this act are not any part of the law.

NEW SECTION. **Sec. 24.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

April 3, 2003

ESB 5949 Prime Sponsor, Senator Deccio: Establishing emergency service requirements for hospitals.  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Assistant Ranking Minority Member; Campbell; Clibborn; Darneille; Edwards and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Pflug, Ranking Minority Member; Schual-Berke.

Referred to Committee on Appropriations.

April 3, 2003

SSB 5955 Prime Sponsor, Senate Committee On Economic Development: Creating the personal reemployment account program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 4, after "that the" strike "department of community, trade, and economic development has, through its" and insert "state has, through the"

On page 1, line 10, after "in the" insert "employment security"

On page 2, beginning on line 2, after "in the" strike "department of community, trade, and economic development" and insert "employment security department"

On page 2, beginning on line 26, after "individual, the" strike "department of community, trade, and economic development" and insert "employment security department"

On page 4, beginning on line 18, strike all of section 6 and insert the following:

**"NEW SECTION. Sec. 6.** The employment security department shall, consistent with federal requirements and in cooperation with the work force training and education coordinating board and the state board for community and technical colleges, develop and submit a state plan for operating the personal reemployment account program authorized by this chapter. The department is authorized to seek private resources to assist in operating these programs."

On page 4, after line 31, insert the following:

**"NEW SECTION. Sec. 8.** (1) A joint legislative work group is created to examine the reauthorization of the federal workforce investment act, including the development of a state plan on the personal reemployment account program, and to advise the legislature and the governor on implementation of this act in Washington.

(2) The work group membership shall consist of:

(a) One member from each caucus of the senate higher education committee, appointed by the president of the senate;

(b) One member from each caucus of the senate commerce and trade committee, appointed by the president of the senate;

(c) One member from each caucus of the house higher education committee, appointed by the speaker of the house of representatives;

(d) One member from each caucus of the house commerce and labor committee, appointed by the speaker of the house of representatives;

(e) The commissioner of the employment security department, or his or her designee;

(f) The executive director of the state board for community and technical colleges, or his or her designee;

(g) The executive director of the workforce training and education coordinating board, or his or her designee; and

(h) Two members representing local workforce development councils, one from each side of the crest of the Cascade mountains, appointed jointly by the president of the senate and the speaker of the house of representatives;

(3) The employment security department, the state board for community and technical colleges, and the workforce training and education coordinating board shall cooperate with the work group and provide such technical expertise as the work group chair may reasonably require.

(4) The work group shall choose its chair from among its membership.

(5) The work group shall examine at least the following issues:

(a) The state plan for implementation of a personal reemployment account program, including eligibility criteria and spending safeguards;

(b) The membership requirements and role of the state workforce development council;

(c) The membership requirements, role, and planning responsibilities of the local workforce development councils;

(d) The scope of services provided to unemployed and low-wage workers and employers by local workforce development councils;

(e) The formulas used to distribute infrastructure funding, adult services funding, and out-of-school youth program funding to local workforce development councils;

(f) The methods used to target delivery of core, intensive and training services to unemployed workers and low-income individuals;

(g) The standards used to qualify training providers; and

(h) Performance measures used to evaluate program success at the state and local levels.

(6) The work group shall use legislative facilities and staff from senate committee services and the office of program research. Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and RCW 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives.

(7) The work group shall report its findings and recommendations to the legislature and the governor by December 1, 2003."

Renumber the remaining sections consecutively, and correct any cross-references accordingly.

On page 5, line 6, after "Title" strike "43" and insert "50"

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

April 4, 2003

SB 5959 Prime Sponsor, Senator Esser: Providing access permits for the deployment of personal wireless facilities off limited access highways. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 2, after line 12, insert the following:

"(c) The permit holder may use the approach for ingress and egress from the highway for construction or maintenance of the personal wireless service facility during nonpeak traffic hours so long as public safety is not adversely affected. The permit holder may use the approach for ingress and egress at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods."

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 4, 2003

ESB 5965 Prime Sponsor, Senator McCaslin: Revising the makeup of public facilities district boards of directors. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Kristiansen.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 5970 Prime Sponsor, Senator Hargrove: Requiring that the family law handbook be provided when a person applies for a marriage license. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Eickmeyer; Hinkle and Uptegrove.

Passed to Committee on Rules for second reading.

April 2, 2003

SSB 5975 Prime Sponsor, Senate Committee On Technology & Communications: Forming the state interoperability executive committee. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Appropriations.

April 4, 2003

ESSB 5977 Prime Sponsor, Senate Committee On Technology & Communications: Requiring the department of transportation to allow the deployment of personal wireless service facilities in state highway rights of way. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development. The use of all state highway rights of way must be permitted for the deployment of personal wireless service facilities.

**Sec. 2.** RCW 47.04.010 and 1975 c 62 s 50 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

~~((12))~~ (13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

~~((13))~~ (14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

~~((14))~~ (15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

~~((15))~~ (16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

~~((16))~~ (17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

~~((17))~~ (18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

~~((18))~~ (19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

~~((19))~~ (20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

~~((20))~~ (21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

~~((21))~~ (22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

~~((22))~~ (23) "Pedestrian." Any person afoot;

~~((23))~~ (24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

~~((24))~~ (25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

~~((25))~~ (28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((26))~~ "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

~~((27))~~ (29) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((28))~~ (30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

~~((29))~~ (31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

~~((30))~~ (32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

~~((31))~~ (33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

~~((32))~~ (34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

~~((33))~~ (35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

~~((34))~~ (36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

~~((35))~~ (37) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

~~((36))~~ (38) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

~~((37))~~ (39) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

~~((38))~~ (40) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

~~((39))~~ (41) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

~~((40))~~ (42) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

**NEW SECTION. Sec. 3.** A new section is added to chapter 47.44 RCW to read as follows:

This chapter does not apply to leases issued for the deployment of personal wireless service facilities as provided in section 5 of this act.

**Sec. 4.** RCW 47.52.001 and 1961 c 13 s 47.52.001 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities; except that the use of the rights of way of limited access facilities must be permitted for the deployment of personal wireless service facilities.

**NEW SECTION. Sec. 5.** A new section is added to chapter 47.04 RCW to read as follows:

(1) For the purposes of this section:

(a) "Right of way" means all state-owned land within a state highway corridor.

(b) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, or person that owns, operates, or manages any personal wireless service facility. "Service provider" includes a service provider's contractors, subcontractors, and legal successors.

(2) The department shall establish a process for issuing a lease for the use of the right of way by a service provider and shall require that telecommunications equipment be co-located on the same structure whenever practicable. Consistent with federal highway administration approval, the lease must include the right of direct ingress and egress from the highway for construction and maintenance of the personal wireless service facility during nonpeak hours if public safety is not adversely affected. Direct ingress and egress may be allowed at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods. The lease may specify an indirect ingress and egress to the facility if it is reasonable and available for the particular location.

(3) The cost of the lease must be limited to the fair market value of the portion of the right of way being used by the service provider and the direct administrative expenses incurred by the department in processing the lease application.

If the department and the service provider are unable to agree on the cost of the lease, the service provider may submit the cost of the lease to binding arbitration by serving written notice on the department. Within thirty days of receiving the notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or panel shall determine the cost of the lease based on comparable siting agreements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(4) The department shall act on an application for a lease within sixty days of receiving a completed application, unless a service provider consents to a different time period.

(5) The reasons for a denial of a lease application must be supported by substantial evidence contained in a written record.

(6) The department may adopt rules to implement this section.

(7) All lease money paid to the department under this section shall be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 6.** The process for issuing leases required in section 5(2) of this act must be established by the effective date of this act.

NEW SECTION. **Sec. 7.** The department of transportation shall report to the legislature on the implementation of the lease process. The department must submit this report to the house technology, telecommunications and energy committee and the senate technology and communications committee. An implementation report shall be submitted by January 15, 2004, and a status report shall be submitted by January 15, 2005.

NEW SECTION. **Sec. 8.** Applications for wireless site leases pending on the effective date of this act must be treated as applications under section 5 of this act with the consent of the applicant."

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5995 Prime Sponsor, Senate Committee On Commerce & Trade: Regarding collective bargaining agreements in the construction trades. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.12.187 and 1973 2nd ex.s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment. However, rules adopted under this chapter regarding appropriate rest and meal periods as applied to employees in the construction trades may be superseded by a collective bargaining agreement negotiated under the national labor relations act, 29 U.S.C. Sec. 151 et seq., if the terms of the collective bargaining agreement covering such employees specifically require rest and meal periods and prescribe requirements concerning those rest and meal periods."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 5996 Prime Sponsor, Senate Committee On Economic Development: Creating a committee to host the 2005 NCSL conference. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2003

SSB 6012 Prime Sponsor, Senate Committee On Land Use & Planning: Codifying shoreline rules. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to read as follows:

(1) The department shall periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

- (a) Development of master programs for regulation of the uses of shorelines; and
- (b) Development of master programs for regulation of the uses of shorelines of statewide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from the date the proposal has been published in the register.

(b) The department shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

(3) The department may ~~((propose))~~ adopt amendments to the guidelines not more than once each year. ~~((At least once every five years))~~ Such amendments shall be limited to: (a) Addressing technical or procedural issues that result from the review and adoption of master programs under the guidelines; or (b) issues of guideline compliance with statutory provisions. Beginning July 1, 2015, and every seven years thereafter, the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

**Sec. 2.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) Local governments shall develop or amend ~~(, within twenty four months after the adoption of guidelines as provided in RCW 90.58.060,)~~ a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before the effective date of this section, shall not be required to complete master program amendments until seven years after the applicable date provided by subsection (2)(a)(iii) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section.

(4) Local governments shall conduct a comprehensive review of their master programs at least once every seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section. Following the review required by this subsection (4), local governments shall, as necessary, revise their master programs. The purpose of the review and revision is:



(a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(b) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(5) Local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6)(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

**Sec. 3.** RCW 90.58.250 and 1971 ex.s. c 286 s 25 are each amended to read as follows:

(1) The legislature intends to eliminate the limits on state funding of shoreline master program development and amendment costs. The legislature further intends that the state will provide funding to local governments that is reasonable and adequate to accomplish the costs of developing and amending shoreline master programs consistent with the schedule established by RCW 90.58.080. Except as specifically described herein, nothing in this act is intended to alter the existing obligation, duties, and benefits provided by this act to local governments and the department.

(2) The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs and the provisions of RCW 90.58.080(7). Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

~~((No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program.))"~~

Correct the title.

On page 2, line 29 of the amendment, after "Everett," insert "Snohomish county,"

Signed by Representatives Romero, Chairman; Upthegrove, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Berkey; Clibborn; Edwards and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Appropriations.

April 4, 2003

ESSB 6026 Prime Sponsor, Senate Committee On Ways & Means: Authorizing special assessments to fund convention and tourism promotion. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Area" means a tourism promotion area.
- (2) "Legislative authority" means the legislative authority of any city or town, including unclassified cities or towns operating under special charters, or the legislative authority of any county with a population greater than forty thousand but less than one million.
- (3) "Lodging business" means a person that furnishes lodging taxable by the state under chapter 82.08 RCW that has forty or more lodging units.
- (4) "Tourism promotion" means activities and expenditures designed to increase tourism and convention business, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists, and operating tourism destination marketing organizations.

**NEW SECTION. Sec. 2.** For the purpose of establishing a tourism promotion area, an initiation petition must be presented to the legislative authority having jurisdiction of the area in which the proposed tourism promotion area is to be located. The initiation petition must include the following:

- (1) A description of the boundaries of the proposed area;
- (2) The proposed uses and projects to which the proposed revenue from the charge shall be put and the total estimated costs;
- (3) The estimated rate for the charge with a proposed breakdown by class of lodging business if such classification is to be used; and
- (4) The signatures of the persons who operate lodging businesses in the proposed area who would pay sixty percent or more of the proposed charges.

**NEW SECTION. Sec. 3.** A legislative authority shall, after receiving a valid initiation petition under section 2 of this act, adopt a resolution of intention to establish an area. The resolution must state:

- (1) The time and place of a hearing to be held by the legislative authority to consider the establishment of an area;
- (2) A description of boundaries in the proposed area;
- (3) The proposed area uses and projects to which the proposed revenues from the charge shall be dedicated and the total estimated cost of projects; and
- (4) The estimated rate or rates of the charge with a proposed breakdown of classifications as described in section 5 of this act.

**NEW SECTION. Sec. 4.** (1) Except as provided in subsection (2) of this section, no legislative authority may establish a tourism promotion area that includes within the boundaries of the area:

- (a) Any portion of an incorporated city or town, if the legislative authority is that of the county; and
  - (b) Any portion of the county outside of an incorporated city or town, if the legislative authority is that of the city or town.
- (2) By interlocal agreement adopted pursuant to chapter 39.34 RCW, a county, city, or town may establish a tourism promotion area that includes within the boundaries of the area portions of its own jurisdiction and another jurisdiction, if the other jurisdiction is party to the agreement.

**NEW SECTION. Sec. 5.** The charge authorized by this chapter shall be on the furnishing of lodging by a lodging business located in the area.

- (1) There shall not be more than six classifications upon which a charge can be imposed.
- (2) Classifications can be based upon the number of rooms, room revenue, or location within the area.
- (3) Each classification may have its own rate, which shall be expressed in terms of nights of stay.
- (4) In no case may the rate under this section be in excess of two dollars per night of stay.

**NEW SECTION. Sec. 6.** Notice of a hearing held under section 3 of this act shall be given by:

- (1) One publication of the resolution of intention in a newspaper of general circulation in the city or county in which the area is to be established; and
- (2) Mailing a complete copy of the resolution of intention to each lodging business in the proposed area. Publication and mailing shall be completed at least ten days prior to the date and time of the hearing.

**NEW SECTION. Sec. 7.** Whenever a hearing is held under section 3 of this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority

may continue the hearing from time to time. Proceedings shall terminate if protest is made by the lodging businesses in the area which would pay a majority of the proposed charges.

**NEW SECTION. Sec. 8.** Only after an initiation petition has been presented to the legislative authority under section 2 of this act and only after the legislative authority has conducted a hearing under section 3 of this act, may the legislative authority adopt an ordinance to establish an area. If the legislative authority adopts an ordinance to establish an area, the ordinance shall contain the following information:

- (1) The number, date, and title of the resolution of intention pursuant to which it was adopted;
- (2) The time and place the hearing was held concerning the formation of the area;
- (3) The description of the boundaries of the area;
- (4) The initial or additional rate of charges to be imposed with a breakdown by classification, if such classification is used;
- (5) A statement that an area has been established; and
- (6) The uses to which the charge revenue shall be put. Uses shall conform to the uses declared in the initiation petition under section 2 of this act.

**NEW SECTION. Sec. 9.** (1) The charge authorized by this chapter shall be administered by the department of revenue and shall be collected from lodging businesses. Chapter 82.32 RCW applies to the charge imposed under this chapter.

(2) At least seventy-five days prior to the effective date of the resolution or ordinance imposing the charge, the legislative authority shall contract for the administration and collection by the department of revenue.

(3) The charges authorized by this chapter that are collected by the department of revenue shall be deposited by the department in the local tourism promotion account created in section 10 of this act.

**NEW SECTION. Sec. 10.** The local tourism promotion account is created in the custody of the state treasurer. All receipts from the charges for tourism promotion must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The state treasurer shall distribute the money in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

**NEW SECTION. Sec. 11.** The charges imposed under this chapter are in addition to the special assessments that may be levied under chapter 35.87A RCW.

**NEW SECTION. Sec. 12.** The charges imposed under this chapter are not a tax on the "sale of lodging" for the purposes of RCW 82.14.410.

**NEW SECTION. Sec. 13.** (1) The legislative authority imposing the charge shall have sole discretion as to how the revenue derived from the charge is to be used to promote tourism. However, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

(2) The legislative authority may contract with tourism destination marketing organizations or other similar organizations to administer the operation of the area, so long as the administration complies with all applicable provisions of law, including this chapter, and with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

**NEW SECTION. Sec. 14.** The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

**Sec. 15.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the local tourism promotion account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 16.** Sections 1 through 14 of this act constitute a new chapter in Title 35 RCW."

Correct the title.

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Kristiansen and Priest.

Referred to Committee on Finance.

April 2, 2003

SJM 8000 Prime Sponsor, Senator Fraser: Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 1, strike all material through "Washington." on page 2, line 37, and insert the following:

"TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE HONORABLE SPENCER ABRAHAM, SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, AND TO THE MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION, CHAIRMAN PATRICK WOOD, III, COMMISSIONER NORA M. BROWNELL, AND COMMISSIONER WILLIAM L. MASSEY:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The Federal Energy Regulatory Commission proposal establishing a standard market design (SMD) for electricity proceeds from the premise that a single market model will work for the entire nation, as a result it would fundamentally change the way the transmission system is operated, expand the Commission's authority in state decisions regarding resource adequacy and demand response, and dismantle the regional benefits derived from public power; and

WHEREAS, Washington state has a comprehensive electricity policy, which encourages efficiency while reflecting our unique resource base; and

WHEREAS, The Northwest electricity system is different from most of the rest of the nation, including substantial differences in the transmission ownership, a hydro-based system where the amount of energy

generated is limited by the amount of water in the rivers and behind the dams, complex legal arrangements for multiple uses of the water to meet diverse goals (power, irrigation, fisheries, recreation, and treaty obligations), and a hydro-based system that requires substantial coordination among plant owners and utilities, rather than the competitive market-based structure the SMD promotes; and

WHEREAS, The Northwest electricity system has produced affordable, cost-based rates and reliable service for our region; and

WHEREAS, Deregulation broke up traditional regulated utilities in order to create trading markets with the promise of lower costs, more consumer choice, more reliability, and fewer government bailouts. It in fact produced higher prices, more manipulation of consumers, volatility, brownouts, and bailouts running into the tens of billions; and

WHEREAS, The SMD would harm consumers in our region through increased costs and decreased reliability;

NOW, THEREFORE, Your Memorialists respectfully pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design (SMD) for electricity; and

Your Memorialists further pray that in the event that the Federal Energy Regulatory Commission does not withdraw its proposal, the President and Congress take action to prevent the Federal Energy Regulatory Commission from proceeding with their proposal.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Spencer Abraham, the Secretary of the United States Department of Energy, the Members of the Federal Energy Regulatory Commission, Chairman Patrick Wood, III, Commissioner Nora M. Brownell, and Commissioner William L. Massey, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 4, 2003

SSJM 8002 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Requesting forest health-related management activities on all state and national forests in Washington state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, after line 10, strike all material through "Washington." on page 3, line 20, and insert the following:

"WHEREAS, Wildfires in forest areas are increasing at an alarming rate with the 2002 fire season one of the most severe since the 1940s; and

WHEREAS, There are over 180 million acres of public land near communities with a high risk of fire; and

WHEREAS, Forest health both in Washington state and throughout the nation has been on a steady decline in many forests over the last thirty years; and

WHEREAS, Forest insect infestations, disease, overly dense forests, weeds, and brush and shrub build-up are increasing problems; and

WHEREAS, Federal government agencies can help address the issues faced by forests in Washington by working closely with the state and local communities to restore damaged landscapes and appropriately reforest and manage lands near homes and urban areas;

NOW, THEREFORE, Your Memorialists respectfully pray that there be appropriate forest health-related management activities conducted on all forestland and on all Washington national forests. Appropriate forest management will enhance and protect the health of federal, state, and private forestlands. Such efforts will reduce the effects of catastrophic wildfire that threaten all forest values, including wildlife, water quality, and recreation opportunities. Appropriate management will protect communities within and surrounding the forests.

BE IT RESOLVED, That the United States Forest Service review the effectiveness of current fire fighting procedures and fire fighting procedures used in the past, including fire breaks established before fires and fire lines established during fires, to ensure that the most effective methods are used; and

BE IT FURTHER RESOLVED, That we strongly support federal management activities to reduce the risk of further spreading of insects and disease to state forestlands and private lands adjacent to federal lands; and

BE IT FURTHER RESOLVED, That we encourage the United States Forest Service to first focus management activities on federal lands that threaten adjacent private lands to decrease the risk of wildfire that

could spread on to privately owned timberland, and then request from Congress the authority to use revenue generated from harvest activities to fund ecosystem restoration and reforestation activities to benefit fish and wildlife and improve water quality; and

BE IT FURTHER RESOLVED, That we encourage the United States Forest Service to strongly consider current market conditions and the economic viability of timber sales when choosing harvest methods, encourage innovative and efficient logging techniques that ensure adequate protection for fish, wildlife, and water quality, and capture as much economic value from timber as possible without compromising water quality or wildlife habitat; and

BE IT FURTHER RESOLVED, That federal, state, and local agencies work together with the public to streamline the processes to jointly address all forest health issues in order to stem the tide of forest and grazing land wildfire, insect infestations, disease, and environmental degradation; and

BE IT FURTHER RESOLVED, That federal and state agencies work with all stakeholders to promote efforts that provide policy solutions and to conduct field operations so that our nation's public forests' health issues can be addressed; and

BE IT FURTHER RESOLVED, That Congress provide adequate funding levels for the United States Forest Service and continually assess the progress towards a healthy forest environment;

BE IT FURTHER RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Ann M. Veneman, Secretary of the Department of Agriculture, Dale Bosworth, Chief of the Forest Service, and the Honorable Gail A. Norton, Secretary of the Department of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Passed to Committee on Rules for second reading.

April 4, 2003

SJM 8003 Prime Sponsor, Senator Fraser: Requesting Congress to restore the sales tax deduction for federal income taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 4, 2003

SJM 8012 Prime Sponsor, Senator Fraser: Asking the federal energy regulatory commission to withdraw a new pricing policy proposal. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; DeBolt; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

April 2, 2003

SJM 8015 Prime Sponsor, Senator Sheahan: Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

April 4, 2003

SSCR 8401 Prime Sponsor, Senate Committee On Higher Education: Authorizing an interim study creating a master plan for education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 1, strike everything after "WHEREAS," on line 1 and insert the following:

"Collaboration and coordination among all sectors of education including but not limited to prekindergarten, the K-12 system, the community and technical college system, the four-year colleges and universities, and the independent colleges and private career schools are essential to developing an educated citizenry;

WHEREAS, The education and higher education committees of the Washington State Senate and House of Representatives each intend separately to examine issues of strategic planning, coordination, and governance for the K-12 and postsecondary education systems during the 2003 legislative interim; and

WHEREAS, A forum should be created to expand collaboration among educational sectors, starting with the education oversight committees of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Senate committee on education, the Senate committee on higher education, the House of Representatives committee on education, and the House of Representatives committee on higher education shall convene a joint work session along with education and higher education stakeholders before December 31, 2003; and

BE IT FURTHER RESOLVED, That the purpose of the joint work session shall be for the committees and stakeholders to share the findings and recommendations of their interim work on strategic planning, coordination, and governance in K-12 and postsecondary education and to discuss common topics and themes that cross educational sectors; and

BE IT FURTHER RESOLVED, At the joint work session, the committees and stakeholders shall discuss opportunities for further collaboration in policy development and oversight of the various educational sectors in Washington."

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey; Boldt; Buck; Chase; Clements; Condotta; Gombosky; Jarrett; Lantz; McCoy and Morrell.

Passed to Committee on Rules for second reading.

April 3, 2003

SSCR 8402 Prime Sponsor, Senate Committee On Commerce & Trade: Encouraging legislator trade mission participation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 2, line 19, after "Director of" insert "community,"

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Pettigrew and Priest.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

## SECOND READING

**HOUSE BILL NO. 2198, By Representatives Cooper, Delvin and Simpson**

**Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2198 was substituted for House Bill No. 2198 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2198 was read the second time.

There being no objection, SUBSTITUTE HOUSE BILL NO. 2198 was referred to the Rules Committee for third reading.

The Speaker called upon Representative Cody to preside.

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

There being no objection, the House adjourned until 10:00 a.m., April 7, 2003, the 85<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

***EIGHTY SECOND DAY, APRIL 4, 2003***

---



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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**EIGHTY FIFTH DAY**

---

House Chamber, Olympia, Monday, April 7, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Fleckenstein and Seth McIntire. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Bishop A. L. Hardy, Rose of Sharon Pentecostal Temple, Seattle.

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

**MESSAGES FROM THE SENATE**

April 4, 2003

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1052,  
SUBSTITUTE HOUSE BILL NO. 1069,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 7, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1101, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

**REPORTS OF STANDING COMMITTEES**

April 5, 2003

HB 2226 Prime Sponsor, Representative Veloria: Authorizing the office of minority and women's business enterprises to receive gifts, grants, or endowments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 2234 Prime Sponsor, Representative Romero: Creating the legislative buildings committee.  
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by: Representatives Dunshee, Chair; Hunt, Vice Chair; Alexander, Ranking Minority Member; Priest, Asst Ranking Minority Member; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; McIntire; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

April 5, 2003

HB 2237 Prime Sponsor, Representative Linville: Concerning water discharge fees. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

2SSB 5027 Prime Sponsor, Senate Committee on Ways & Means: Providing for locally developed watershed planning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

SSB 5039 Prime Sponsor, Senate Committee on Health & Long-Term Care: Concerning hepatitis C.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The secretary of health shall design a state plan for the prevention, education, and treatment of hepatitis C by January 1, 2004. In developing the plan, the secretary shall seek the input of:

- (a) The public;
  - (b) Patient groups and organizations;
  - (c) Relevant state agencies that have functions that involve hepatitis C or provide services to persons with hepatitis C;
  - (d) Local health departments;
  - (e) Public health and clinical laboratories;
  - (f) Providers of services to persons with hepatitis C;
  - (g) Research scientists;
  - (h) The University of Washington;
  - (i) Representatives from the pharmaceutical industry; and
  - (j) The Washington state medical association.
- (2) The plan shall include implementation recommendations in the following areas:

(a) Hepatitis C virus prevention and treatment strategies for groups at risk for hepatitis C with an emphasis towards those groups that are disproportionately affected by hepatitis C, including persons infected with HIV, veterans, racial or ethnic minorities that suffer a higher incidence of hepatitis C, and persons who engage in high-risk behavior, such as intravenous drug use;

(b) Educational programs to promote public awareness about bloodborne infections and knowledge about risk factors, the value of early detection, screening, services, and available treatment options for hepatitis C;

(c) Education curricula for appropriate health and health-related providers covered by the uniform disciplinary act, chapter 18.130 RCW;

(d) Training courses for persons providing hepatitis C counseling, public health clinic staff, and any other appropriate provider, which shall focus on disease prevention, early detection, and intervention;

(e) Capacity for voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under chapter 70.24 RCW;

(f) A comprehensive model for the prevention and management of hepatitis C; and

(g) Sources and availability of funding to implement the plan.

(3) The secretary of health shall develop the state plan described in subsections (1) and (2) of this section only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants. Funding for this act shall not come from state sources.

(4) The secretary of health shall submit the completed state plan to the legislature by January 1, 2004. After the initial state plan is submitted, the department shall update the state plan biennially and shall submit the plan to the governor and make it available to other interested parties. The update and progress reports are due December 1, 2004, and every two years thereafter.

(5) The state plan developed pursuant to this section shall be developed using only available federal and private sources, including grants.

(6) This section expires June 30, 2007.

**Sec. 2.** RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

**Sec. 3.** RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV or hepatitis C infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a disabled person.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV or actual hepatitis C infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter((?)):

(a) "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient; and

(b) "Hepatitis C" means the hepatitis C virus of any genotype.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment.

NEW SECTION. **Sec. 5.** Section 1 of this act does not create a private right of action."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

SSB 5062 Prime Sponsor, Senate Committee on Parks, Fish & Wildlife: Creating the Puget Sound recreational fisheries enhancement oversight committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

April 5, 2003

2SSB 5074 Prime Sponsor, Senate Committee on Ways & Means: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

SB 5176 Prime Sponsor, Senator Roach: Providing wildland fire fighting training. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 5192 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Managing the state's investments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions & Insurance. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by: Representatives Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

ESSB 5223 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Authorizing mental health advance directives. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5335 Prime Sponsor, Senate Committee on Highways & Transportation: Defining "motorcycle helmet." Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a ~~((protective))~~ motorcycle helmet ~~((of a type conforming to rules adopted by the state patrol))~~ except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The motorcycle helmet ~~((must be equipped with either a))~~ neck or chin strap ~~((which shall))~~ must be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet ~~((which))~~ that does not meet the requirements established by ~~((the state patrol))~~ this section.

(2) The state patrol (~~is hereby authorized and empowered to~~) may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning ~~(the)~~ standards ~~(and procedures for conformance of rules adopted)~~ for glasses, goggles, and face shields~~(, and protective helmets)~~.

(3) For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation."

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Campbell; Clibborn; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Mielke; Morris; Nixon; Romero; Shabro; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Simpson, Vice Chairman; Anderson; Cooper and Lovick.

Passed to Committee on Rules for second reading.

April 7, 2003

SSB 5345 Prime Sponsor, Senate Committee on Agriculture: Excluding certain drainage infrastructure from fishway provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 5375 Prime Sponsor, Senate Committee on Parks, Fish & Wildlife: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Fisheries, Ecology & Parks. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; DeBolt; Grant; Hunter; Kagi; Kessler; Linville; McDonald; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by: Representatives Conway; Dunshee; Kenney and McIntire.

Passed to Committee on Rules for second reading.

April 5, 2003

SB 5410 Prime Sponsor, Senator Stevens: Revising information available on the statewide registered sex offender web site. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or

convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources other than state funds, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) A local law enforcement agency may post level II and level III community notification bulletins on the agency's web site for sex offenders residing within the agency's jurisdiction.

(7) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

~~((7))~~ (8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in

bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

~~((8))~~ (9) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~((9))~~ (10) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

~~((10))~~ (11) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee ~~((of or))~~ or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 4, 2003

SSB 5600 Prime Sponsor, Senate Committee on Highways & Transportation: Regulating disposition of returned license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Woods.

Passed to Committee on Rules for second reading.

April 5, 2003

2SSB 5694 Prime Sponsor, Senate Committee on Ways & Means: Creating a pilot project to develop an integrated environmental permit system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Woods.

Passed to Committee on Rules for second reading.

April 5, 2003

ESSB 5713 Prime Sponsor, Senate Committee on Commerce & Trade: Concerning electrical work. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Woods.



Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 5766 Prime Sponsor, Senate Committee on Government Operations & Elections: Providing businesses with notice of certain administrative rules. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

ESSB 5776 Prime Sponsor, Senate Land Use & Planning (originally sponsored by Senator Doumit: Providing an appeal process for state agency permit decisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this chapter is to reform the process of appeal and review of final permit decisions made by state agencies and local governments for qualifying economic development projects by establishing uniform, expedited, and consolidated appeal procedures and uniform criteria for reviewing such decisions in order to provide consistent, predictable, and timely review. The appeal process authorized in this chapter is intended to be the exclusive process for review of final decisions made by state agencies and local governments on permit applications for qualifying economic development projects, superseding other existing administrative board and judicial appeal procedures.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the environmental and land use hearings board.
- (2) "Final decision" means the highest and last decision available within the permit agency with respect to a permit application to the agency, including but not limited to decisions resulting from internal appeals available within the agency for the permit decision.
- (3) "Participating permit agency" means any permit agency in which the applicant for a qualifying project has filed an application for an environmental or land use permit necessary for the economic development project.
- (4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the land, air, or water in the state. This document must be required to be obtained from a state agency or local government, including but not limited to counties, cities, and air agencies, prior to constructing or operating a qualifying project. Local government permits include, but are not limited to, subdivisions, binding site plans, planned unit developments, shoreline permits or other approvals under RCW 90.58.140, master plan approvals, site plan approvals, permits or approvals required by critical area ordinances, conditional use permits, variances, site-specific rezones authorized by a comprehensive plan or subarea plan, or other equivalent documents however titled or denominated. Local government permits excluded under this definition include the adoption or amendment of a comprehensive plan, subarea plan, legislative actions on development regulations, certifications by local health districts of water and sewer availability, and building, grading, flood hazard, utility connection, and other nondiscretionary construction permits.
- (5) "Permit agency" means any state agency or local government, including but not limited to air agencies, authorized by law to issue permits.
- (6) "Qualifying project" means an economic development project (a) that is located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3) and a rural natural resources impact area as defined in RCW 43.160.020, (b) that is reasonably expected to provide at least thirty full-time year-round jobs, (c) for which the project applicant reasonably believes will require a minimum of two permits prior to its construction or operation, (d) for which the applicant has timely requested from the office of permit assistance a determination designating the economic development project as a qualifying project, and (e) that is designated as a qualifying project by the office of permit assistance.

**NEW SECTION. Sec. 3.** The appeal process authorized in this chapter shall, notwithstanding any other provisions of law, be the exclusive process for review of the decisions made by participating permit agencies on permit applications for qualifying projects. This chapter does not apply to applications for certification by the energy facility site evaluation council pursuant to chapter 80.50 RCW. The superior court civil rules and the rules of appellate procedure shall govern procedural matters for the judicial appeal process under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 4.** (1) An applicant for a permit for an economic development project that meets the criteria set forth in section 2(5) (a), (b), and (c) of this act must file with the office of permit assistance a request for a determination designating the economic development project as a qualifying project. Such request must be filed with the office of permit assistance no later than thirty days after the date the first application for a permit required for the economic development project is filed with the permit agency. The permit applicant must provide a copy of the request to each permit agency with which a permit application has or will be filed.

(2) The request must include (a) evidence that the economic development project is located within a county that in its entirety qualifies as a distressed area and a rural natural resources impact area, (b) evidence that the economic development project is reasonably expected to provide at least thirty full-time year-round jobs, and (c) a list of permits that the project applicant reasonably believes will be required prior to construction or operation of the economic development project.

(3) The office of permit assistance must (a) approve the request if it is reasonably satisfied that the requirements of subsection (2) of this section are met, (b) respond to such request no later than thirty days after the filing of the request, and (c) provide a copy of the designation decision to each permit agency responsible for project permits listed in the request.

**NEW SECTION. Sec. 5.** (1) An environmental and land use hearings board is hereby established within the environmental hearings office created under RCW 43.21B.005. The environmental and land use hearings board shall be composed of six members, as provided in RCW 90.58.170. The chairperson of the pollution control hearings board shall be the chairperson of the environmental and land use hearings board. The members of the environmental and land use hearings board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

(2) All proceedings before the board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may adopt. In all such proceedings, the board shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as set forth in RCW 34.05.446. The board shall publish any such rules and arrange for the reasonable distribution thereof. Failure to adopt such rules shall not deprive the board of jurisdiction nor relieve the board of the duty to hear petitions for review filed under this chapter.

**NEW SECTION. Sec. 6.** (1) Proceedings for review under this chapter shall be commenced by filing a petition with the environmental and land use hearings board. The board may adopt by rule procedures for filing and service that are consistent with this chapter.

(2) Such petition is barred, and the board may not grant review, unless the petition is timely filed with the board and timely served on the following persons who shall be parties to the review of the petition:

(a) The participating permit agencies, which for purposes of the petition shall be (i) if a state agency, the director thereof, and (ii) if a local government, the jurisdiction's corporate entity which shall be served as provided in RCW 4.28.080; and

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address as applicant in the application to the participating permit agencies;

(ii) Each person identified in project application documents as an owner of the property at issue or, if none, each person identified as a taxpayer for the property at issue in the records of the county assessor.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section no more than twenty-one days after the issuance by the permit agency of the permit decision for the qualifying project.

(4) For the purposes of this section, the date on which a permit decision is issued is:

(a) Three days after a written decision is mailed by the permit agency to the project applicant or, if not mailed, the date on which the permit agency provides notice that a written decision is publicly available; or

(b) If (a) of this subsection does not apply, the date the decision is entered into the public record.

(5) Service on all parties shall be by personal service or by mail. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 7.** Standing to bring a petition under this chapter is limited to the following persons:

(1) The applicant and the owner of the property to which the permit decision is directed;

(2) A person aggrieved or adversely affected by the permit decision, or who would be aggrieved or adversely affected by a reversal or modification of the permit decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (a) The permit decision has prejudiced or is likely to prejudice that person;
  - (b) That person's asserted interests are among those that the permit agency was required to consider when it made its permit decision;
  - (c) A decision of the board in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the permit decision; and
  - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law;
- (3) A participating permit agency under this chapter.

**NEW SECTION. Sec. 8.** A petition must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the permit agency whose permit is at issue, if any;
- (4) A duplicate copy of the permit decision;
- (5) Identification of each person to be made a party under this chapter;
- (6) Facts demonstrating that the petitioner has standing to seek board review under this chapter;
- (7) A separate and concise statement of each error alleged to have been committed;
- (8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and
- (9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 9.** (1) Within seven days after receipt of service of the petition filed pursuant to section 6 of this act, the project applicant shall file with the board and serve on all parties an affidavit certifying all applications for permits that the project applicant has filed with participating permit agencies for the qualifying project, provided, however, that no permit may be included that has been appealed to an administrative hearings board outside the permit agency or to court prior to the date of service of the petition filed with the board under this chapter. The board shall request verification from the participating agencies of the permit applications certified in the project applicant's affidavit and of the expected date for final decision on the permit applications. Filing of the affidavit shall toll the schedule for hearing by the board until twenty-one days after issuance of the final permit decision on the last permit required for the qualifying project that has been certified in the project applicant's affidavit and verified by a participating agency as applied for, unless the petition filed and served by the petitioner relates to the final permit decision.

(2) Within seven days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project, the petitioner shall note an initial hearing on jurisdictional and other preliminary matters, and, if applicable, on other pretrial matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project.

(3) The board shall contemporaneously process all such petitions in accordance with the case schedule requirements set forth in this act.

(4) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner.

(5) The defenses of lack of standing, untimely filing or service of the petition, lack of good faith or improper purpose in filing, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the board allows discovery on such issues.

(6) The petitioner shall move the board for an order at the initial hearing setting the date the permit decision records of the applicable permit agencies must be submitted, setting a briefing schedule, setting a discovery schedule if discovery is to be allowed, and scheduling one or more hearings on the merits.

(7) The parties may waive the initial hearing by scheduling dates for the hearings on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (5) and (6) of this section.

(8) A party need not file an answer to a petition for review filed pursuant to section 6 of this act.

**NEW SECTION. Sec. 10.** The board shall provide expedited review of petitions filed under this chapter. Any matter reviewed on the decision record as provided in section 13(1) of this act must be set for hearing within sixty days of the date set for submitting the decision record of all participating permit agencies, absent a showing of good cause for a different date or a stipulation of the parties. Any matter reviewed de novo as provided in section 13(3) of this act must be set for hearing or trial no later than one hundred twenty days after the initial hearing date. The board shall issue a final decision and order within thirty days after the final hearing required in this section.

**NEW SECTION. Sec. 11.** (1) A petitioner or other party may request the board to stay or suspend an action by a participating permit agency or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) The board may grant a stay only if the board finds that: (a) The party requesting the stay is likely to prevail on the merits, (b) without the stay the party requesting it will suffer irreparable harm, (c) the grant of a stay will not substantially harm other parties to the proceedings, and (d) the request for the stay is timely in light of the circumstances of the case.

(3) The board may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 12.** (1) Within forty-five days after entry of an order to submit the decision record, where applicable, or within such a further time as the board allows or as the parties agree, each participating agency shall submit to the board a certified copy of the decision record for board review of the permit decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the board, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the board.

(3) The petitioner shall pay the participating agency the cost of preparing the record before the participating agency submits the decision record to the board. Failure by the petitioner to timely pay the participating agency relieves the participating agency of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the board shall equitably assess the cost of preparing the record among the parties. In assessing costs the board shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 13.** (1) For all permit decisions being reviewed that were made by quasi-judicial bodies or permit agency officers who made factual determinations in support of the decisions, after the conduct of proceedings in which the parties had an opportunity consistent with due process to make records on the factual issues, board review of factual issues and the conclusions drawn from the factual issues shall be confined to the records created by the quasi-judicial bodies or permit agency officers, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the records may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the permit decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to a permit decision proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the permit decision.

(3) For permit decisions other than those described in subsection (1) of this section, the board review of the permit decision shall be de novo on issues presented as error in the petition.

(4) The board may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5)(a) The parties may not conduct pretrial discovery except with the prior permission of the board, which may be sought by motion at any time after service of the petition. The board shall not grant permission unless the party requesting it makes a prima facie showing of need. The board shall strictly limit discovery to what is necessary for equitable and timely review of the issues.

(b) If the board allows the record to be supplemented, or in any de novo proceeding under subsection (3) of this section, the board shall require the parties to disclose before the hearing or trial on the merits the identity of witnesses and the specific evidence they intend to offer.

(c) If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties, and the board shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 14.** (1) The board shall review the decision record and all such evidence as is permitted to supplement the record for review restricted to the decision record or is required for de novo review under section 13 of this act. The board may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the permit decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

- (b) The permit decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by an agency with expertise;
  - (c) The permit decision is not supported by evidence that is substantial when viewed in light of the whole record before the board;
  - (d) The permit decision is a clearly erroneous application of the law to the facts;
  - (e) The permit decision is outside the authority or jurisdiction of the body or officer making the decision;
- or
- (f) The permit decision violates the constitutional rights of the party seeking relief.
- (2) The board may affirm or reverse each permit decision under review or remand the permit decision to the appropriate permit agency for modification or further proceedings.

**NEW SECTION. Sec. 15.** (1) In order to obtain judicial review of a final decision of the environmental and land use hearings board, a party to the board case as consolidated shall timely file a petition for judicial review in the superior court for Thurston county and timely serve the board and all parties to the proceedings before the board by personal service or by mail. Such petition is timely filed and served only if it is filed and served on all parties no more than thirty days after the final decision and order of the board. Any party may apply for direct review by the court of appeals. An application for direct review must be filed with the superior court no more than ten days after the petition for judicial review is filed in superior court. The superior court must presume that: (a) The qualifying project presents fundamental and urgent issues affecting the public interest which require a prompt determination, and (b) delay in obtaining a final and prompt determination of such issues would be detrimental to a party and the public interest.

(2) The presumption set forth in subsection (1) of this section shall require the superior court to certify the board decision for direct review not less than ten days and not more than fifteen days after the application therefore is filed unless, based on a motion of a party filed with supporting excerpts from the record no more than ten days after the application is filed, the superior court finds that the economic development project does not meet the definition of a qualifying project.

(3) A motion as set forth in subsection (2) of this section shall be heard no more than fourteen days after the filing of the motion and shall be confined to certified excerpts from the record, which any party may produce. The court may make such findings upon a showing that the record contains clear, cogent, and convincing evidence to support such findings, which evidence has been testified to by at least one witness. It shall not be necessary to certify the entire record to the court for the purpose of hearing such motion.

(4) The court of appeals shall accept direct review of a case unless it finds that the superior court's certification under the standards contained in this section was clearly erroneous. Review by the court of appeals shall be restricted to the decision record of the permit agency and the board proceedings. All certified appeals shall be provided priority processing by the court of appeals.

**Sec. 16.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court;

and

(d) The appellate court's determination in the proceeding would have significant precedential value. Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**Sec. 17.** RCW 36.70C.030 and 1995 c 347 s 704 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board, the environmental and land use hearings board, or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**Sec. 18.** RCW 43.21B.005 and 1999 c 125 s 1 are each amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, the environmental and land use hearings board created in chapter 43.-- RCW (sections 1 through 15 of this act), and the hydraulic appeals board created in RCW ~~((75.20.130))~~ 77.55.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

**Sec. 19.** RCW 43.21B.110 and 2001 c 220 s 2 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 20.** RCW 76.09.220 and 1999 sp.s. c 4 s 902 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 21.** RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off- site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 77.55.110 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 22.** RCW 90.58.180 and 1997 c 199 s 1 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days



after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or
- (e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

NEW SECTION. **Sec. 23.** Sections 1 through 15 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 24.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations.

NEW SECTION. **Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by: Representative Schual-Berke.

Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 5889 Prime Sponsor, Senate Committee on Agriculture: Concerning a livestock nutrient management program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Clements; Cody; DeBolt; Grant; Hunter; Kessler; Linville; McDonald; Pflug; Ruderman and Sump.

MINORITY recommendation: Do not pass. Signed by: Representatives Sehlin, Ranking Minority Member; Buck; Conway; Cox; Dunshee; Kagi; Kenney; McIntire; Miloscia; Schual-Berke and Talcott.

Passed to Committee on Rules for second reading.

April 7, 2003

SSB 5891 Prime Sponsor, Senate Committee on Agriculture: Identifying livestock. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 5903 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:  
Providing additional sentencing alternatives for juvenile offenders. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Juvenile Justice & Family Law. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Boldt; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by: Representatives Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Buck; Clements; Cox; DeBolt; McDonald; Pflug; Sump and Talcott.

Passed to Committee on Rules for second reading.

April 5, 2003

ESSB 5904 Prime Sponsor, Senate Committee on Ways & Means: Concerning prescription drug  
assistance programs for seniors. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and  
without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that prescription drugs are an effective and important part of efforts to maintain and improve the health of Washington state residents. However, their increased cost and utilization is straining the resources of many people, particularly low-income elderly people who lack insurance coverage for such drugs. Furthermore, inappropriate use of prescription drugs can result in unnecessary expenditures and lead to serious health consequences. It is therefore the intent of the legislature to establish an evidence-based preferred drug list, develop programs to provide prescription drugs at an affordable price to those in need, and increase public awareness regarding their safe and cost-effective use.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, and subject to any conditions placed on appropriations made for this purpose, the department shall design the medicaid prescription drug assistance program. Neither the benefits of, nor eligibility for, the program is considered to be an entitlement.

(2) The department is directed to obtain necessary federal waivers to implement this program. Consistent with federal waiver conditions, the department is authorized to charge enrollment fees, premiums, or point-of-service cost-sharing to enrollees of the program.

(3) Eligibility for this program is limited to persons:

(a) Who are eligible for medicare or age sixty-five and older;

(b) Whose family income does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(c) Who do not otherwise have insurance that provides prescription drug coverage; and

(d) Who are not otherwise eligible under Title XIX of the federal social security act.

(4) The department is authorized to use a cost-effective prescription drug benefit design. Consistent with federal waiver conditions, this benefit design can be different than the benefit design offered under the medical assistance program. The benefit design may include a deductible benefit that provides coverage when enrollees

incur higher prescription drug costs as defined by the department. The department also may offer more than one benefit design.

(5) The department is authorized to limit enrollment of persons who qualify for the program so as to prevent an overexpenditure of appropriations for this program or to assure necessary compliance with federal waiver budget neutrality requirements. The department shall not reduce existing medical assistance program eligibility or benefits to assure compliance with federal waiver budget neutrality requirements.

(6) No funds from an approved federal waiver that allows for the collection of premiums from medicaid clients will be used to finance the medicaid prescription drug assistance program.

(7) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the federal social security act.

(8) The department shall provide recommendations to the appropriate committees of the senate and house of representatives by November 15, 2003, on financing options available to support the medicaid prescription drug assistance program. In recommending financing options, the department shall explore every opportunity to maximize federal funding to support the program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority shall establish a prescription drug purchasing consortium and shall coordinate the participation of state agencies and private individuals in the consortium. The authority shall establish a preferred drug list for use as provided in this chapter through an evidence-based process that evaluates the efficacy of prescription drugs, considering safety, efficacy, likelihood of compliance, outcomes, and any unique impacts on specific populations based upon factors such as sex, age, ethnicity, race, or disability. The preferred drug list shall be used for entities and private individuals participating in the consortium. In administering prescription drug benefits under state purchased health care programs, agencies shall honor an endorsing prescriber's direction to dispense a prescription drug as written on the prescription order.

(2) State purchased health care programs shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of retail pharmacies. The administrator shall not require that any supplemental rebate offered by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to state purchased health care programs other than medical assistance, or to private individuals participating in the consortium. The administrator shall explore joint purchasing opportunities with other states to achieve quality cost-effective prescription drug coverage for those participating in the consortium.

(3) Participation in the purchasing consortium and other related activities is purely voluntary for individuals who lack insurance or are underinsured for prescription drug coverage. Unaffiliated individuals who participate in the consortium shall receive reduced costs comparable to those negotiated by the consortium for its preferred prescription drugs. The administrator may set reasonable fees, including enrollment fees for participating individuals, to cover administrative costs attributable to participation in prescription drug consortium activities. A private individual may limit their participation to one or more of the consortium's program components.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

The consolidated prescription drug purchasing account is created in the custody of the state treasurer. All receipts under section 3(3) of this act from the fees from the price discount program created in section 3 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of section 3 of this act. Only the administrator or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall establish and advertise a pharmacy connection program through which health care providers and members of the public can obtain information about manufacturer-sponsored prescription drug assistance programs. The administrator shall ensure that the program has staff available who can assist persons in procuring free or discounted medications from manufacturer-sponsored prescription drug assistance programs by:

(a) Determining whether an assistance program is offered for the needed drug or drugs;

(b) Evaluating the likelihood of a person obtaining drugs from an assistance program under the guidelines formulated;

(c) Assisting persons with the application and enrollment in an assistance program;

(d) Coordinating and assisting physicians and others authorized to prescribe medications with communications, including applications, made on behalf of a person to a participating manufacturer to obtain approval of the person in an assistance program; and

(e) Working with participating manufacturers to simplify the system whereby eligible persons access drug assistance programs, including development of a single application form and uniform enrollment process.

(2) Notice regarding the pharmacy connection program shall initially target senior citizens, but the program shall be available to anyone, and shall include a toll-free telephone number, available during regular business hours, that may be used to obtain information.

(3) The administrator may apply for and accept grants or gifts and may enter into interagency agreements or contracts with other state agencies or private organizations to assist with the implementation of this program including, but not limited to, contracts, gifts, or grants from pharmaceutical manufacturers to assist with the direct costs of the program.

(4) The administrator shall notify pharmaceutical companies doing business in Washington of the pharmacy connection program. Any pharmaceutical company that does business in this state and that offers a pharmaceutical assistance program shall notify the administrator of the existence of the program, the drugs covered by the program, and all information necessary to apply for assistance under the program.

(5) For purposes of this section, "manufacturer-sponsored prescription drug assistance program" means a program offered by a pharmaceutical company through which the company provides a drug or drugs to eligible persons at no charge or at a reduced cost. The term does not include the provision of a drug as part of a clinical trial.

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.05 RCW to read as follows:  
The authority may adopt rules to implement this act.

**NEW SECTION. Sec. 7.** By January 1, 2005, the administrator of the health care authority and the secretary of the department of social and health services shall submit to the governor and the legislature a progress report regarding the implementation of the programs created in this act."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt and Pflug.

Passed to Committee on Rules for second reading.

April 4, 2003

**SSB 5912** Prime Sponsor, Senate Committee on Highways & Transportation: Creating the Produce Railcar Pool. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND INTENT.** The legislature finds that an actively coordinated and cooperatively facilitated railcar pool for transportation of perishable agricultural commodities is necessary for the continued viability and competitiveness of Washington's agricultural industry. The legislature also finds that the rail transportation model established by the Washington Grain Train program has been successful in serving the shipping needs of the wheat industry.

It is, therefore, the intent of the legislature to authorize and direct the Washington department of transportation to develop a railcar program for Washington's perishable commodity industries to be known as the Washington Produce Railcar Pool. This railcar program should be modeled from the Washington Grain Train program, but be made flexible enough to work with entities outside state government in order to fulfill its mission, including, but not limited to, the federal and local governments, commodity commissions, and private entities.

**NEW SECTION. Sec. 2. DEFINITION.** As used in this act "short line railroad" means a Class II or Class III railroad as defined by the United States Surface Transportation Board.

**NEW SECTION. Sec. 3. DEPARTMENTAL AUTHORITY.** In addition to powers otherwise granted by law, the department may establish a Washington Produce Railcar Pool to promote viable, cost-effective rail service for Washington produce, including but not limited to apples, onions, pears, and potatoes, both processed and fresh.

To the extent that funds are appropriated, the department may:

- (1) Operate the Washington Produce Railcar Pool program while working in close coordination with the department of agriculture, interested commodity commissions, port districts, and other interested parties;
- (2) For the purposes of this program:
  - (a) Purchase or lease new or used refrigerated railcars;
  - (b) Accept donated refrigerated railcars; and
  - (c) Refurbish and remodel the railcars.
- (3) Hire, in consultation with affected stakeholders, including but not limited to short line railroads, commodity commissions, and port districts, a transportation management firm to perform the function outlined in section 5 of this act; and
- (4) Contribute the efforts of a short line rail-financing expert to find funding for the project to help interested short line railroads in this state to accomplish the necessary operating arrangements once the railcars are ready for service.

**NEW SECTION. Sec. 4. FUNDING.** To the extent that funds are appropriated, the department shall fund the program as follows: The department may accept funding from the federal government, or other public or private sources, to purchase or lease new or used railcars and to refurbish and remodel the railcars as needed. Nothing in this section precludes other entities, including but not limited to short line railroads, from performing the remodeling under sections 1 through 6 of this act.

**NEW SECTION. Sec. 5. RAILCAR POOL MANAGEMENT.** (1) The transportation management firm hired under section 3(3) of this act shall manage the day-to-day operations of the railcars, such as monitoring the location of the cars, returning them to this state, distributing them, arranging for pretrips and repairs, and arranging for per diem, mileage allowances, and other freight billing charges with the railroads.

(2) The railcar pool must be managed over the life of the railcars so that the railcars will be distributed to railroads and port districts around the state for produce loadings as market conditions warrant or to other users, including out-of-state users by contractual agreement, during times of excess capacity.

(3) To maximize railcar availability and use, the department or the transportation management firm may make agreements with the transcontinental railroad systems to pool Washington-owned or Washington-managed railcars with those of the railroads. In such instances, the railroad must agree to provide immediately an equal number of railcars to the Washington railcar pool.

(4) The department shall act in an oversight role to verify that the railcar pool is managed in accordance with subsections (2) and (3) of this section.

**NEW SECTION. Sec. 6. PRODUCE RAILCAR POOL ACCOUNT.** The produce railcar pool account is created in the custody of the state treasurer. All receipts from per diem charges, mileage charges, and freight billing charges paid by railroads and shippers that use the railcars in the Washington Produce Railcar Pool must be deposited into the account. Expenditures from the account may be used only for the purposes of sections 1 through 5 of this act. Only the secretary of transportation or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 7.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the produce railcar pool account, the rural rehabilitation

account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 8.** Section captions used in this act are not part of the law.

NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act are each added to chapter 47.76 RCW."

Correct the title.

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Shabro; Simpson; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Mielke and Nixon.

Passed to Committee on Rules for second reading.

April 7, 2003

ESB 5949 Prime Sponsor, Senator Deccio: Establishing emergency service requirements for hospitals.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall provide emergency services twenty-four hours per day, seven days per week in a designated area of the hospital. A hospital shall meet all the requirements for emergency facilities that are established by the department and shall provide emergency services in a manner that meets the requirements established by federal law for the medical screening and stabilization of patients, including women in active labor, who present to the hospital for emergency services.

(2) A hospital providing emergency services under this section shall have, at a minimum, the following:

(a) A physician who is qualified to provide emergency services immediately available in the hospital;

(b) A roster of on-call medical staff members; and

(c) Procedures to stabilize a patient until the patient is transported or transferred to another hospital if emergency services cannot be provided at the hospital to meet the needs of the patient in an emergency. A specialty hospital providing emergency services under this section shall maintain a transfer agreement with a general hospital that establishes the process for patient transfers in a situation in which the specialty hospital cannot provide continuing care for a patient because of the specialty hospital's scope of services.

(3) This section does not apply to:

(a) A specialty hospital that provides only psychiatric, pediatric, long-term acute care, or rehabilitative services;

(b) A hospital that was licensed under chapter 70.41 RCW prior to January 1, 2003; or

(c) A hospital designated as a critical access hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395i-4.

(4) For the purposes of this section:

(a) "Emergency services" means health care services medically necessary to evaluate and treat a medical condition that manifests itself by the acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, and that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the

person's health (or in the case of a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

(b) "General hospital" means a hospital that provides general acute care services, including emergency services;

(c) "Specialty hospital" means a subclass of hospital that either provides hospital services within a specific branch of medicine or limits admission according to age, sex, type of disease, or medical condition;

(d) "Transfer agreement" means a written agreement providing an effective process for the transfer of a patient requiring emergency services to a general hospital providing emergency services and for continuity of care for that patient.

(5) This section expires July 1, 2004.

**NEW SECTION. Sec. 2.** (1) The department of health, in consultation with affected stakeholders such as hospitals, physicians, and nurses, shall study the establishment of specialty hospitals, the requirements of this act, and the impact that specialty hospitals have on the delivery of health care. At a minimum the study shall include but not be limited to evaluating the following issues as they pertain to specialty hospitals:

(a) The availability and delivery of health care services;

(b) Patient safety;

(c) Continuity of patient care;

(d) The provision of emergency services, including the effect of the presence or absence of an emergency department in specialty hospitals;

(e) Staffing of any existing hospitals in the community served by a specialty hospital, including the effect of specialty hospitals on health care professional shortages, nursing staffing, and the availability of specialty physicians to provide on-call emergency services; and

(f) The provision of charity care, medicare and medicaid services, services for medically indigent patients, uncompensated care, community service, and access to health care services by medically underserved populations.

(2) The study also shall include an evaluation of whether requirements for establishing specialty hospitals should be addressed through certificate of need or hospital licensing requirements.

(3) For the purposes of the study, "specialty hospitals" does not include specialty hospitals that provide only psychiatric, pediatric, long-term acute care, or rehabilitative services.

(4) The department of health shall prepare and present a report to the legislature regarding the study no later than December 1, 2003. The legislature shall reevaluate the requirements of this act based upon the study.

**NEW SECTION. Sec. 3.** The reasonable costs of the study described in section 2 of this act shall be financed by a one-time fee assessment charged to each hospital with one hundred fifty beds or more and licensed under this chapter as of January 1, 2003, in the amount of eight dollars for each bed space within the licensed bed capacity of the hospital as determined in accordance with existing department regulations regarding bed spaces for the purposes of hospital license fees. The fee assessment shall be paid between October 1, 2003, and December 1, 2003."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.41 RCW; creating new sections; and providing an expiration date."

Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Pearson, Asst Ranking Minority Member; Boldt; Buck; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by: Representatives Sehlin, Ranking Minority Member; Alexander; Clements; Cox; DeBolt; Kessler; Pflug and Schual-Berke.

Passed to Committee on Rules for second reading.

April 4, 2003

**SSB 5974** Prime Sponsor, Senate Committee on Highways & Transportation: Exercising sound business practices to enhance revenues for Washington State Ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.60.135 and 1997 c 323 s 2 are each amended to read as follows:

(1) The charter use of Washington State Ferry vessels when established route operations and normal user requirements are not disrupted is permissible. In establishing chartering agreements, Washington State Ferries shall consider the special needs of local communities and interested parties. Washington State Ferries shall use sound business judgment and be sensitive to the interests of existing private enterprises.

(2) Consistent with the policy as established in subsection (1) of this section, the ~~((general manager))~~ chief executive officer of the Washington State Ferries may approve agreements for the chartering of Washington State Ferry vessels to groups or individuals, including hazardous material transporters, in accordance with the following:

(a) Vessels may be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced. If a vessel is engaged in the transport of hazardous materials, the transporter shall pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of Washington State Ferries.

(b) Charter rates for vessels must be established at actual vessel operating costs plus ~~((fifty percent of such actual costs rounded to the nearest fifty dollars))~~ a market-rate profit margin. Actual vessel operating costs include, but are not limited to, all labor, fuel, and vessel maintenance costs incurred due to the charter agreement, including deadheading and standby.

(c) ~~((Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates must be established and revised July 1st of each year and must remain fixed for a one year period unless actual vessel operating costs increase five percent or more within that year, in which case the charter rates must be revised in accordance with (b) of this subsection.))~~

(d) ~~All charter agreements must be in writing and substantially in the form of (e) of this subsection and available, with calculations, for inspection by the legislature and the public.~~

~~((e))~~ Parties chartering Washington State Ferry vessels shall comply with all applicable laws, rules, and regulations during the charter voyage, and failure to so comply is cause for immediate termination of the charter voyage.

#### ~~((~~ "CHARTER CRUISE AGREEMENT

On this . . . . day of . . . ., . . . ., Washington State Ferries (WSF) and . . . ., hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter voyage to be held on . . . ., the parties agree as follows:

1. WSF agrees to supply the vessel . . . . (subject to change) for the use of the Lessee from the period from . . . . to . . . . on . . . . (date).

2. The maximum number of passengers; or in the case of hazardous materials transports, trucks and trailers; that will be accommodated on the assigned vessel is . . . . This number MAY NOT be exceeded.

3. The voyage will originate at . . . ., and the route of travel during the voyage will be as follows:

4. The charge for the above voyage is . . . . dollars (\$ . . . .) plus a property damage deposit of \$350 for a total price of \$ . . . ., to be paid by cashier's check three working days before the date of the voyage at the offices of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington 98104. The Lessee remains responsible for property damage in excess of \$350.

5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing voyage activities, providing equipment, or any food service.

6. Other than for hazardous materials transport, the voyage activities must be conducted exclusively on the passenger decks of the assigned ferry. Voyage patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of voyage patrons or hazardous materials.

7. If the Lessee or any of the voyage patrons will possess or consume alcoholic beverages aboard the vessel, the Lessee must obtain the appropriate licenses or permits from the Washington State Liquor Control Board. The Lessee must furnish copies of any necessary licenses or permits to WSF at the same time payment for the voyage is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies is cause for immediate termination of the voyage, and WSF shall retain all payments made as liquidated damages.



~~8. WSF is not obligated to provide shoreside parking for the vehicles belonging to voyage patrons.~~

~~9. The Lessee recognizes that the primary function of the WSF is for the cross Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a voyage commitment without liability to the Lessee due to unforeseen circumstances or events that require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the charter fee to the Lessee.~~

~~10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands, or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision does not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.~~

~~11. This writing is the full agreement between the parties.~~

..... WASHINGTON STATE FERRIES  
Lessee

By:—

By:—

General Manager"))

**Sec. 2.** RCW 47.60.140 and 1995 1st sp.s. c 4 s 2 are each amended to read as follows:

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, parking lots, and landings, including the selling of commercial advertising space and licenses to use the Washington State Ferries trademarks, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030. All revenues from commercial advertising, concessions, parking, leases, and contracts must be deposited in the Puget Sound ferry operations account in accordance with RCW 47.60.150.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment. Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

(3) The department shall include in the strategic planning and performance assessment process, as required by RCW 43.88.090, an analysis of the compatibility of public and private partnerships with the state ferry system's core business, and the department's efforts to maximize nonfarebox revenues and provide benefit to the public users of the ferry system facilities. The department shall include an assessment of the need for an open solicitation to identify and select possible public or private partnerships in order to maximize the value of projects and the state's investment in current and future ferry system operations.

(a) When the department determines that an open solicitation is necessary, a request for proposal shall be released, consisting of an open solicitation outlining functional specifications to be used as the basis for selecting partnerships in the project.

(b) Any responses to the request for proposal shall be evaluated, at a minimum, on the basis of compatibility with the state ferry system's core business, potential to maximize nonfarebox revenue, longevity of the possible partnership commitment, and benefit to the public users of the ferry system facilities.

(c) If no responses are received, or those that are received are incompatible with ferry system operations, or do not meet the criteria stated in (b) of this subsection, the state ferry system may proceed with state ferry system operating strategies designed to achieve state ferry system objectives without established partnerships.

**Sec. 3.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to read as follows:

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and other revenues deposited in the Puget Sound ferry operations account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected by the ferry system from any source shall be paid to the state treasurer for the account of the department and deposited into the Puget Sound ferry operations account. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

**Sec. 4.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) The estimated revenues that are projected to be earned by the ferry system from commercial advertisements, parking, contracts, leases, and other sources;

(i) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the transportation commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(7) Notwithstanding the provisions of this section and chapter 81.28 RCW, and using sound business judgment, the chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the transportation commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

**Sec. 5.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read as follows:

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c). Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section."

Correct the title.

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Mielke; Morris; Nixon; Romero; Shabro; Simpson; Sullivan; Wallace and Woods.

Passed to Committee on Rules for second reading.

April 7, 2003

SSB 6012 Prime Sponsor, Senate Committee on Land Use & Planning: Codifying shoreline rules.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government.  
Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by: Representatives Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pfling and Sump.

Passed to Committee on Rules for second reading.

April 7, 2003

ESSB 6026 Prime Sponsor, Senate Committee on Ways & Means: Authorizing special assessments to fund convention and tourism promotion. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Trade & Economic Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Area" means a tourism promotion area.

(2) "Legislative authority" means the legislative authority of any city or town, including unclassified cities or towns operating under special charters, or the legislative authority of any county with a population greater than forty thousand but less than one million.

(3) "Lodging business" means a person that furnishes lodging taxable by the state under chapter 82.08 RCW that has forty or more lodging units.

(4) "Tourism promotion" means activities and expenditures designed to increase tourism and convention business, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists, and operating tourism destination marketing organizations.

**NEW SECTION. Sec. 2.** For the purpose of establishing a tourism promotion area, an initiation petition must be presented to the legislative authority having jurisdiction of the area in which the proposed tourism promotion area is to be located. The initiation petition must include the following:

- (1) A description of the boundaries of the proposed area;
- (2) The proposed uses and projects to which the proposed revenue from the charge shall be put and the total estimated costs;
- (3) The estimated rate for the charge with a proposed breakdown by class of lodging business if such classification is to be used; and
- (4) The signatures of the persons who operate lodging businesses in the proposed area who would pay sixty percent or more of the proposed charges.

**NEW SECTION. Sec. 3.** A legislative authority shall, after receiving a valid initiation petition under section 2 of this act, adopt a resolution of intention to establish an area. The resolution must state:

- (1) The time and place of a hearing to be held by the legislative authority to consider the establishment of an area;
- (2) A description of boundaries in the proposed area;
- (3) The proposed area uses and projects to which the proposed revenues from the charge shall be dedicated and the total estimated cost of projects; and
- (4) The estimated rate or rates of the charge with a proposed breakdown of classifications as described in section 5 of this act.

**NEW SECTION. Sec. 4.** (1) Except as provided in subsection (2) of this section, no legislative authority may establish a tourism promotion area that includes within the boundaries of the area:

- (a) Any portion of an incorporated city or town, if the legislative authority is that of the county; and
- (b) Any portion of the county outside of an incorporated city or town, if the legislative authority is that of the city or town.

(2) By interlocal agreement adopted pursuant to chapter 39.34 RCW, a county, city, or town may establish a tourism promotion area that includes within the boundaries of the area portions of its own jurisdiction and another jurisdiction, if the other jurisdiction is party to the agreement.

**NEW SECTION. Sec. 5.** The charge authorized by this chapter shall be on the furnishing of lodging by a lodging business located in the area.

- (1) There shall not be more than six classifications upon which a charge can be imposed.
- (2) Classifications can be based upon the number of rooms, room revenue, or location within the area.
- (3) Each classification may have its own rate, which shall be expressed in terms of nights of stay.
- (4) In no case may the rate under this section be in excess of two dollars per night of stay.

**NEW SECTION. Sec. 6.** Notice of a hearing held under section 3 of this act shall be given by:

- (1) One publication of the resolution of intention in a newspaper of general circulation in the city or county in which the area is to be established; and
- (2) Mailing a complete copy of the resolution of intention to each lodging business in the proposed area. Publication and mailing shall be completed at least ten days prior to the date and time of the hearing.

**NEW SECTION. Sec. 7.** Whenever a hearing is held under section 3 of this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by the lodging businesses in the area which would pay a majority of the proposed charges.

**NEW SECTION. Sec. 8.** Only after an initiation petition has been presented to the legislative authority under section 2 of this act and only after the legislative authority has conducted a hearing under section 3 of this act, may the legislative authority adopt an ordinance to establish an area. If the legislative authority adopts an ordinance to establish an area, the ordinance shall contain the following information:

- (1) The number, date, and title of the resolution of intention pursuant to which it was adopted;
- (2) The time and place the hearing was held concerning the formation of the area;
- (3) The description of the boundaries of the area;
- (4) The initial or additional rate of charges to be imposed with a breakdown by classification, if such classification is used;
- (5) A statement that an area has been established; and

(6) The uses to which the charge revenue shall be put. Uses shall conform to the uses declared in the initiation petition under section 2 of this act.

**NEW SECTION. Sec. 9.** (1) The charge authorized by this chapter shall be administered by the department of revenue and shall be collected from lodging businesses. Chapter 82.32 RCW applies to the charge imposed under this chapter.

(2) At least seventy-five days prior to the effective date of the resolution or ordinance imposing the charge, the legislative authority shall contract for the administration and collection by the department of revenue.

(3) The charges authorized by this chapter that are collected by the department of revenue shall be deposited by the department in the local tourism promotion account created in section 10 of this act.

**NEW SECTION. Sec. 10.** The local tourism promotion account is created in the custody of the state treasurer. All receipts from the charges for tourism promotion must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The state treasurer shall distribute the money in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

**NEW SECTION. Sec. 11.** The charges imposed under this chapter are in addition to the special assessments that may be levied under chapter 35.87A RCW.

**NEW SECTION. Sec. 12.** The charges imposed under this chapter are not a tax on the "sale of lodging" for the purposes of RCW 82.14.410.

**NEW SECTION. Sec. 13.** (1) The legislative authority imposing the charge shall have sole discretion as to how the revenue derived from the charge is to be used to promote tourism. However, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

(2) The legislative authority may contract with tourism destination marketing organizations or other similar organizations to administer the operation of the area, so long as the administration complies with all applicable provisions of law, including this chapter, and with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

**NEW SECTION. Sec. 14.** The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

**Sec. 15.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the local tourism promotion account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 16.** Sections 1 through 14 of this act constitute a new chapter in Title 35 RCW."

Correct the title.

Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

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

The Speaker assumed the chair.

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

### **THIRD READING**

**SUBSTITUTE HOUSE BILL NO. 2198, By House Committee on Appropriations  
(originally sponsored by Representatives Cooper, Delvin and Simpson)**

**Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790.**

Representatives Wood, Delvin, Sommers, Sehlin and DeBolt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2198.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2198 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Armstrong, Kristiansen and Wood - 3.

SUBSTITUTE HOUSE BILL NO. 2198, having received the necessary constitutional majority, was declared passed.

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1101,  
HOUSE BILL NO. 1435,

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

There being no objection, the House adjourned until 10:00 a.m., April 8, 2003, the 86<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY FIFTH DAY, APRIL 7, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTY SIXTH DAY**

---

House Chamber, Olympia, Tuesday, April 8, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Janel Smith and Matthew Summers-Smith. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lemuel Charlston, United House of Prayer For All People, Seattle.

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

**MESSAGES FROM THE SENATE**

April 7, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1401,  
HOUSE BILL NO. 1435,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 7, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, and the same is herewith transmitted.

Milt H. Doumit, Secretary

### INTRODUCTION & FIRST READING

HB 2240 by Representative Conway

AN ACT Relating to the salaries and fringe benefits of certain employees of institutions of higher education; and amending RCW 41.06.070.

Referred to Committee on Appropriations.

HB 2241 by Representatives Cooper, Linville and Uptegrove

AN ACT Relating to marine protection in Puget Sound; amending RCW 90.56.500 and 43.21B.300; reenacting and amending RCW 43.84.092 and 43.79A.040; adding a new section to chapter 90.56 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Fisheries, Ecology & Parks.

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

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

### SECOND READING SUSPENSION

**SENATE BILL NO. 5090, by Senators Carlson, Fraser, Spanel and Rasmussen; by request of Joint Committee on Pension Policy**

**Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Sehlin spoke in favor of passage of the bill.

### MOTIONS

On motion of Representative Santos, Representatives Edwards and Wood were excused. On motion of Representative Clements, Representative Campbell was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5090.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5090 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5090, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5096, by Senators Regala, Winsley, Carlson, Spanel, Jacobsen, Fraser, B. Sheldon, Kohl-Welles and Rasmussen; by request of Joint Committee on Pension Policy**

**Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5096.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5096 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5096, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5100, by Senators Fraser, Carlson, Winsley, Spanel, Parlette and Rasmussen; by request of Joint Committee on Pension Policy**

**Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5100.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5100 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5100, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5122, by Senators Johnson, Kline and Esser**

#### **Revising provisions of the state trademark law.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5122.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5122 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5122, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5123, By Senators Johnson, Kline and Esser**

**Revising the Washington business corporation act.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5123.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5123 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5123, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5165, by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Kline, McCaslin and Franklin)**

**Regulating vehicular pursuit.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5165.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5165, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5167, by Senators Regala, Hewitt, Franklin, Winsley and Kohl-Welles**

#### **Modifying trust account provisions for sellers of travel.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5167.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5167 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5167, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5172, by Senators Esser, Kline, Johnson and Roach; by request of Office of the Code Reviser**

**Correcting obsolete references to fish and wildlife statutes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5172.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5172 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5172, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5224, by Senators Benton, Prentice, Winsley, Zarelli, Johnson, T. Sheldon, Kohl-Welles, Hale, Roach and Esser**

**Adding a rental housing owner to the affordable housing advisory board.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Eickmeyer and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5224.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5224 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5224, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Education (originally sponsored by Senators Deccio, Thibaudeau, Parlette, Keiser, Mulliken, Kohl-Welles, Stevens, Hale and Eide)**

**Regulating the catheterization of students.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 28, 2003.)

The bill was placed on final passage.

Representatives Cody and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5237, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5237, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5237, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5244, by Senator Hewitt**

**Authorizing additional powers for unclassified cities.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schindler and Romero spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5244.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5244 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5244, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5251, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Thibaudeau, Shin and Kline)**

**Modifying foreign judgment provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5251.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5251 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5251, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5265, by Senate Committee on Commerce & Trade (originally sponsored by Senators Thibaudeau, Honeyford, Jacobsen, Kohl-Welles, Johnson, Kline, McAuliffe, Rasmussen, Regala, B. Sheldon, Spanel, Winsley and Kastama)**

**Allowing limited marketing of bottled wine at farmers markets.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Pettigrew spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5265.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5265 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5265, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5290, by Senate Committee on Commerce & Trade (originally sponsored by Senators West, Rasmussen, Hale and Winsley; by request of Horse Racing Commission)**

**Authorizing the horse racing commission to continue receiving criminal history information.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.



The bill was placed on final passage.

Representatives Cairnes and Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5290.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5290, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5321, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Johnson and Prentice)**

**Including public hospital districts in the definition of "local government" for the purposes of chapter 39.96 RCW.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schindler and Romero spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5321.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5321 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5321, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5327, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Parlette)**

**Clarifying the scope of practice of a dental hygienist.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 75<sup>th</sup> Day, March 28, 2003.)

The bill was placed on final passage.

Representative Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5327, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5327, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5327, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5550, by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators West, Stevens, Kastama, Roach, Kline, Johnson, Fairley, T. Sheldon, Thibaudeau, Benton, Keiser, Eide, Prentice, Kohl-Welles, Esser, Shin, Oke and Winsley)**

**Prohibiting secure community transition facilities from being sited near public and private youth camps.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5550.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5550 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5550, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5560, by Senators Honeyford, Keiser, Horn and Kohl-Welles; by request of University of Washington**

**Regarding the prohibition of the lawful sale of liquor on University of Washington grounds. (REVISED FOR ENGROSSED: Regarding the sale of liquor on grounds of institutions of higher education.)**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5560.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5560 and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Armstrong, Bailey, Berkey, Blake, Buck, Cairnes, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Anderson, Benson, Boldt, Bush, Carrell, Cox, Mastin, McMahan, Mielke, Roach, and Schoesler - 12.

Excused: Representatives Campbell, Edwards and Wood - 3.

ENGROSSED SENATE BILL NO. 5560, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5570, by Senators Brown, Brandland, Kohl-Welles and Rasmussen; by request of Attorney General**

**Expanding the crime of communicating with a minor for immoral purposes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5570.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5570 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5570, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5574, by Senators Finkbeiner, Poulsen and Reardon; by request of Attorney General**

**Clarifying district court jurisdiction over actions involving commercial electronic mail.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5574.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5574 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5574, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5758, by Senators Stevens, Hargrove and Kline**

#### **Reorganizing criminal statutes within the RCW.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5758.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5758 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5758, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5994, by Senators Hewitt, Reardon, Honeyford, Haugen, Rossi, Hale, Mulliken and T. Sheldon**

**Removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Newhouse and Grant spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5994.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5994 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Wood - 3.

SENATE BILL NO. 5994, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 8, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1195,

SUBSTITUTE HOUSE BILL NO. 1271,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1416,  
SUBSTITUTE HOUSE BILL NO. 1445,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,  
SUBSTITUTE HOUSE BILL NO. 1759,  
SUBSTITUTE HOUSE BILL NO. 1930,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 8, 2003

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

## SECOND READING

### **SUBSTITUTE SENATE BILL NO. 5248, by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Prentice, Oke and Stevens)**

#### **Achieving transportation workforce efficiencies.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 73rd Day, March 26, 2003.)

With the consent of the House, amendments (331), (335), and (334) were withdrawn.

## MOTION

On motion of Representative Clements, Representative Delvin was excused.

Representative Ericksen moved the adoption of amendment (357):

Strike everything after the enacting clause and insert the following:

The legislature finds that there is a pressing need for reform of the way in which the transportation system in Washington is constructed and maintained. The legislature finds that if the private sector can perform a service faster and in a more economical manner than state government, as demonstrated under chapter 354, Laws of 2002, then the department of transportation should not be hindered by state law from providing services in the most cost-effective manner. The legislature also finds that reforming current laws governing the payment of prevailing wages to ensure the accuracy of such wages is necessary to recapture public support for future expansion of the transportation system in Washington. The legislature intends that ten pilot projects should be conducted in a wide variety of locations in Washington state, both urban and rural, to test the process of having the department of transportation draft its own permits, subject to a single review by the regulatory agencies, in order to evaluate the use of this streamlined process.

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the director of personnel or the Washington personnel resources board adopted under section 203, chapter 354, Laws of 2002.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4).

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to:

(a) Management rights established in RCW 41.80.040; or

(b) With respect to the department of transportation, the department's purchase of services by contract or any matters governed by RCW 41.06.142.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

~~((7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.))~~

(1) The committee shall select and conduct permit reform pilot projects in three locales: (a) Urban near built-out conditions; (b) urban centers serving as crucial rural connectors; and (c) rural corridors critical to statewide economic productivity. The pilot projects must test the assignment of responsibilities such as selected permit drafting and selected compliance activities to the department.

(2) The committee shall commence efforts to apply streamlining lessons learned from the streamlined permit process for the pilot projects to as many other transportation projects of statewide significance as quickly as possible. In reporting to the legislature, the committee may recommend statutory or regulatory changes that would result in streamlining for future projects.

(3) The department and permitting agencies shall apply an interim interdisciplinary permit review process for the pilot projects as set forth in this section. This process must provide coordinated review and approval of permit applications; provide coordinated and consolidated public hearings where required by one or more regulatory agencies under state law; and coordinate timelines for permit decision making.

(4) The committee shall give notice to the legislative authority of each affected county and city of the projects the committee has designated as pilot projects. Each county and city notified must be offered the opportunity to participate in the pilot projects as provided for in this chapter. The department shall provide funding assistance for participation.

(5) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, the streamlined process for pilot projects set forth in this section, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate. The dispute resolution process must be applied to the pilot projects.

(6) The streamlined process for the pilot projects must be based on the following model:

(a) Step 1: The department and permitting agencies will agree on coordination for environmental review under the state and national environmental policy acts, including document preparation, public comment opportunities, and timelines.

(b) Step 2: For each project, the department will convene a meeting of all entities with permitting authority to review:

(i) The proposed conceptual design for the project and alternative routes, construction approaches, or mitigation approaches;

(ii) All known reviewing entities, permit application and approval requirements, and timelines; and

(iii) A coordinated timeline that allows all statutory requirements to be met.

(c) Step 3: The department will draft all necessary permits to proceed with the preferred alternative using relevant agreements with permitting agencies.

(d) Step 4: The department will provide public notice in conformity with all applicable statutes and regulations and allow the required time for public hearings and written comments.

(e) Step 5: The department may revise the draft permits after consideration of public comments and applying all relevant agreed upon standards.

(f) Step 6: All permits will be disseminated to permitting agencies for final review. All reviews will be completed within forty- five days, at which time the permitting agencies will act upon the permit and either approve the permit or return it without approval.

(g) Step 7: If the permit is returned to the department without approval, the permitting agencies will have one opportunity to identify errors or omissions and any remaining specific deficiencies or circumstances not previously addressed by agreements between the department and agencies that must be met or addressed to be compliant with applicable law. The department may revise the permit as warranted and resubmit the permit to the permitting agency, which will have fifteen days from receipt of the revised permit to take final action.



(h) Step 8: Disputes related to permit decisions will be addressed by the dispute resolution process established by the committee.

(7) The committee shall select ten projects from the project lists that accompany any transportation budget passed in 2003 that are funded but do not yet have state permits in place. The committee should select projects in both urban and rural areas located from a wide variety of locations within Washington state. These will be designated as "Department of Transportation Permit Drafting Pilot Projects." These projects are not required to be projects of statewide significance under this chapter. The department of transportation will draft its own state permits under RCW 47.06C.080(2) and using a timeline developed by the committee. These permits drafted by the department are subject to a single review by state regulatory agencies before approval or denial. The process must be monitored by the committee and used to implement increased drafting of permits by the department of transportation on other projects.

(1) The "prevailing rate of wage", for the intents and purposes of this chapter, shall be the rate of hourly wage, usual benefits, and overtime paid in the locality, as hereinafter defined, to the majority of workers, laborers, or mechanics, in the same trade or occupation. In the event that there is not a majority in the same trade or occupation paid at the same rate, then the average rate of hourly wage and overtime paid to such laborers, workers, or mechanics in the same trade or occupation shall be the prevailing rate. If the wage paid by any contractor or subcontractor to laborers, workers, or mechanics on any public work is based on some period of time other than an hour, the hourly wage for the purposes of this chapter shall be mathematically determined by the number of hours worked in such period of time.

(2) The "locality" (~~for the purposes of this chapter shall be the largest city in~~) is the county wherein the physical work is being performed.

(3) The "usual benefits" for the purposes of this chapter shall include the amount of:

(a) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(b) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workers, laborers, and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workers, laborers, and mechanics affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of such benefits.

(4) An "interested party" for the purposes of this chapter shall include a contractor, subcontractor, an employee of a contractor or subcontractor, an organization whose members' wages, benefits, and conditions of employment are affected by this chapter, and the director of labor and industries or the director's designee.

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries. By January 1, 2004, the industrial statistician shall determine the prevailing rate of wage using a stratified random sampling method.

(2)(a) A stratified random sampling method must be used to the broadest extent possible, subject to available resources.

(b) If it is determined by the industrial statistician that sample size, strata size, or other factors do not permit the effective use of a stratified random sampling method, an equally reliable statistical method must be used.

(3) In order to ensure a fair and scientifically accurate stratified random sampling survey, the industrial statistician may consult with recognized experts in statistics and sampling, or with representatives of labor unions or business organizations regarding the necessary scientific methods, implementation parameters, and resource allocations.

(4) The department of labor and industries shall report to the legislature by December 1, 2004, and December 1, 2005, on the implementation of the stratified random sampling method.

Section 2 of this act takes effect July 1, 2004."

Correct the title.

Representatives Ericksen, Clements, DeBolt, Anderson, Armstrong, McMahan, Schoesler, Ericksen (again) and Orcutt spoke in favor of the adoption of the amendment.

Representatives Cooper, Rockefeller, Romero, Murray and Cooper (again) spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (357) to Substitute Senate Bill No. 5248.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (357) to Substitute Senate Bill No. 5248, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

Voting nay: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Delvin and Edwards - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cooper, Murray, Rockefeller, Simpson, Morris and Murray (again) spoke in favor of passage of the bill.

Representatives Ericksen, Nixon, Woods, Clements, Schindler, DeBolt, Armstrong and McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the House by the following vote: Yeas - 53, Nays - 43, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

Excused: Representatives Delvin and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2228, by Representatives Murray, Wallace, Cooper, Clibborn, Simpson, Rockefeller, Hudgins and Hankins**

**Extending commute trip reduction incentives.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2228 was substituted for House Bill No. 2228 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2228 was read the second time.

Representative Simpson moved the adoption of amendment (360):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter and section 9 of this act unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

**NEW SECTION. Sec. 2. TAX CREDITS--BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES.** (1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before June 30, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before June 30, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

**NEW SECTION. Sec. 3. TAX CREDIT FILING.** (1) Application for tax credit under section 2 of this act may only be made in the form and manner prescribed in rules adopted by the department.

(2) The credit under this section must be taken or deferred under section 4 of this act against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(3) Any person who knowingly makes a false statement of a material fact in the application for a credit under section 2 of this act is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 4. TAX CREDIT LIMITATIONS.** (1) The department shall keep a running total of all credits accrued under section 2 of this act during each calendar year. No person is eligible for tax credits under section 2 of this act if the credits would cause the tabulation for the total amount of credits taken in

any calendar year to exceed two million two hundred fifty thousand dollars. This limitation includes any credits carried forward under subsection (2)(b) of this section from prior years.

(2)(a) No person is eligible for tax credits under section 2 of this act in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b) A person with taxes equal to or in excess of the credit under section 2 of this act, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. A person deferring tax credits under this subsection (2)(b) must submit an application in the year in which the tax credits will be applied. This application is subject to eligibility under subsection (1) of this section for the calendar year in which the tax credits will be applied.

(3) No person is eligible for tax credits under section 2 of this act in excess of two hundred thousand dollars in any calendar year. This limitation does not apply to credits deferred in prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits, including deferred credits authorized under subsection (2)(b) of this section, after June 30, 2013.

(5) Credits may not be carried forward or carried backward other than as authorized in subsection (2)(b) of this section.

**NEW SECTION. Sec. 5. FUND TRANSFER.** (1) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under section 2 of this act during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under section 2 of this act from the multimodal transportation account.

**NEW SECTION. Sec. 6. COMMUTE TRIP REDUCTION REPORTING.** The commute trip reduction task force shall determine the effectiveness of the tax credit under section 2 of this act, the grant program in section 9 of this act, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

**NEW SECTION. Sec. 7. ADMINISTRATION.** Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION. Sec. 8. EXPIRATION.** This chapter expires June 30, 2013, except for section 5 of this act, which expires December 31, 2013.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before June 30, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any calendar year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any calendar year.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires December 31, 2013.

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:

RCW 82.04.4453 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 1, 1996 c 128 s 1, & 1994 c 270 s 2;  
RCW 82.04.4454 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 3, 1996 c 128 s 2, & 1994 c 270 s 3;  
RCW 82.16.048 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 2, 1996 c 128 s 3, & 1994 c 270 s 4; and  
RCW 82.16.049 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 4, 1996 c 128 s 4, & 1994 c 270 s 5.

NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 12.** The code reviser shall place cross- reference sections to chapter 82.-- RCW (sections 1 through 8 of this act) in chapters 82.04 and 82.16 RCW.

NEW SECTION. **Sec. 13.** This act takes effect January 1, 2004, but only if legislation that provides additional revenues, excluding transfers, for the multimodal transportation account is in effect on that date.

NEW SECTION. **Sec. 14.** Captions used in this act are not part of the law."

Correct the title.

Representatives Simpson and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2228.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2228 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Armstrong, Condotta, DeBolt, Hinkle and Holmquist - 5.

Excused: Representatives Delvin and Edwards - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2229, by Representatives Murray, Cooper, Wallace, Clibborn, Simpson, Hudgins and Hankins**

**Revising sales and use tax equalization payments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2229.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2229 and the bill passed the House by the following vote: Yeas - 59, Nays - 37, Absent - 0, Excused - 2.

Voting yea: Representatives Bailey, Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Sehlin, Skinner, Sump, Talcott and Tom - 37.

Excused: Representatives Delvin and Edwards - 2.

HOUSE BILL NO. 2229, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2215, by Representatives Murray and Simpson**

#### **Allowing car dealers to charge documentary service fees.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2215 was substituted for House Bill No. 2215 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2215 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2215.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2215 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Armstrong, Bailey, Berkey, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer,

Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Anderson, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Ericksen, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump and Talcott - 31.

Excused: Representative Delvin - 1.

SUBSTITUTE HOUSE BILL NO. 2215, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY Substitute House Bill No. 2215.

GARY ALEXANDER, 20<sup>th</sup> District

The Speaker called upon Representative Lovick to preside.

**HOUSE BILL NO. 1163, by Representative Murray; by request of Governor Locke**

**Making 2003-05 transportation appropriations.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1163 was substituted for House Bill No. 1163 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1163 was read the second time.

With the consent of the House, amendments (338) and (332) were withdrawn.

Representative Murray moved the adoption of amendment (344):

Strike everything after the enacting clause and insert the following:

#### "2003-05 BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2005.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

- (a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.
- (b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.
- (c) "FTE" means full-time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose.

#### GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$293,000

**NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION**  
**MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation \$352,000

**NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$822,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation \$315,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**  
**COMMITTEE--OPERATING PROGRAM**

**JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE--OPERATING PROGRAM**

Motor Vehicle Account--State Appropriation \$1,429,000

The appropriation in this section is subject to the following conditions and limitations: \$1,429,000 is provided for the joint legislative audit and review committee to conduct full performance audits of transportation agencies and departments under Substitute Senate Bill No. 5748, House Bill No. 1121, or House Bill No. 2227. In addition to the audits identified in these bills, the joint legislative audit and review committee shall conduct a targeted performance audit of the Washington state patrol. For this performance audit, the joint legislative audit and review committee shall put its highest priority on the following topics: (1) An assessment of the types and categories of services, including a contrast of public highway policing and general policing services provided by the patrol, and the organizational structures used to deliver these services; (2) an evaluation of the linkages among expenditures, including a differentiation between transportation and general fund sources to insure appropriate funding allocations, organizational structures, service delivery, accountability, and outcomes; and (3) an evaluation of the patrol's fiscal policies and procedures. The joint legislative audit and review committee shall provide a progress report to the appropriate committees of the legislature by December 31, 2003, and a final report, including findings and recommendations, by September 30, 2004. If neither Substitute Senate Bill No. 5748, House Bill No. 1121, or House Bill No. 2227 is enacted by August 1, 2003, this section is null and void.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 106. FOR WASHINGTON STATE PARKS AND RECREATION--**  
**CAPITAL PROJECTS**

**WASHINGTON STATE PARKS AND RECREATION CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the Beacon Rock state park entrance road project. Any of the appropriations not expended by June 30, 2005, shall revert to the motor vehicle account--state.

**TRANSPORTATION AGENCIES--OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**  
**WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation \$2,174,000

Highway Safety Account--Federal Appropriation \$15,744,000

School Zone Safety Account--State Appropriation \$3,059,000

**TOTAL APPROPRIATION \$20,977,000**

The appropriations in this section are subject to the following conditions and limitations:



(1) The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect speeding, and violations at railroad crossings and stoplights.

(a) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(b) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) The traffic safety commission shall use the following guidelines to administer the program:

(i) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(ii) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(iii) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(iv) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(v) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(vi) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vii) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(viii) For purposes of the pilot projects, infractions generated by the use of traffic safety cameras will be exempt from the provisions of RCW 3.50.100 and will be processed in the same manner as parking violations; and

(ix) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

(2) \$1,555,000 of the school zone safety account--state appropriation is provided as matching funds for the following school safety enhancement projects, as proposed by local agencies, schools, and tribal governments in response to the department of transportation's highways and local programs request for information for potential projects to be financed under Referendum No. 51:

<u>Agency</u>	<u>Project Title</u>
Cheney	School Crosswalk Improvement Project
Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
Brier	37th Pl SW & 233rd Pl SW Sidewalk
Sunnyside	Lincoln Ave Sidewalks

Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
Steilacoom	Cherrydale Elementary School Safety Enhancement
Yakima	W Valley School Zone Flashers
Camas SD	SR 500 at 15th St Interchange
Seattle	Meadowbrook Playfield - NE 105th St
Vancouver	Franklin ES Sidewalk Improvements

(3) If one or more of the projects under subsection (1) of this section cannot be completed or no longer seeks state matching funds, the following projects may be substituted in order of priority:

<u>Agency</u>	<u>Project Title</u>
Davenport	Davenport Sixth St School Sidewalk
Edmonds	96th Ave W Pedestrian Improvements
Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary
Yakima	Englewood/Powerhouse Intersection Safety Project

(4) The highways and local programs division within the department of transportation must provide assistance to the commission in administering this program.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS  
BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$272,000

**NEW SECTION. Sec. 203. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE  
LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$774,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No funding is provided for the staffing, administration and operations of the house of representatives transportation committee. Existing staff assigned to the house of representatives transportation committee shall be transferred to the house of representatives in the office of program research. All tangible and intangible property that has been acquired by, or allocated for use by the house of representatives transportation committee and its staff, including but not limited to office space and equipment, information systems technology, and employer-related assets, rights, privileges, and liabilities shall be transferred to the house of representatives. Any property acquired by, or allocated for use by the senate transportation committee and its staff shall be transferred to the senate.

(2) The legislative transportation committee shall develop and adopt an interim work plan that identifies tasks, resources available to carry out the work plan, deliverables or desired outcomes, and a timeline for completing the interim work plan. The following subjects shall be given consideration for that work plan:

(a) A review of the costs to the state of allowing citizens to use credit cards to pay for licensing services, and to explore options for lowering these costs; and

(b) An analysis of the causal relationship between distracted drivers and traffic safety, and whether legislation would be beneficial in reducing accidents or fatalities attributable to distracted drivers. If legislation is warranted, draft legislation must be submitted prior to the 2004 legislative session.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION COMMISSION  
TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation \$391,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided for the commission only through June 30, 2004.

**NEW SECTION. Sec. 205. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT  
BOARD**

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation \$616,000

**NEW SECTION. Sec. 206. FOR THE COUNTY ROAD ADMINISTRATION BOARD--  
OPERATING PROGRAM**

COUNTY ROAD ADMINISTRATION BOARD--OPERATING PROGRAM

Rural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation \$1,927,000

County Arterial Preservation Account--State Appropriation \$719,000

TOTAL APPROPRIATION \$3,415,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION IMPROVEMENT BOARD--  
OPERATING PROGRAM**

TRANSPORTATION IMPROVEMENT BOARD--OPERATING PROGRAM

Urban Arterial Trust Account--State Appropriation \$1,611,000

Transportation Improvement Account--State Appropriation \$1,620,000

TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS  
BUREAU**

WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation \$170,170,000

State Patrol Highway Account--Federal Appropriation \$6,167,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

TOTAL APPROPRIATION \$176,512,000

The appropriations in this section are subject to the following conditions and limitations: The Washington state patrol shall evaluate the costs and benefits of retaining the agency's Beechjet aircraft as an internal asset or selling it to a private air service provider. This analysis must consider that any potential sale of the aircraft include an agreement that the state reserves the right to priority access to the jet in the event of an emergency. The state patrol must report to the fiscal committees of the legislature by December 15, 2003.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU  
State Patrol Highway Account--State Appropriation \$72,727,000  
State Patrol Highway Account--Private/Local Appropriation \$1,290,000  
TOTAL APPROPRIATION \$74,017,000

The appropriations in this section are subject to the following conditions and limitations: The authority to expend \$542,000 of the state highway account--state appropriation is subject to receipt of \$1,620,000 in interoperability funding from the military department.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT SERVICES**

DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES  
Marine Fuel Tax Refund Account--State Appropriation \$7,000  
Motorcycle Safety Education Account--State Appropriation \$85,000  
Wildlife Account--State Appropriation \$77,000  
Highway Safety Account--State Appropriation \$8,315,000  
Motor Vehicle Account--State Appropriation \$4,639,000  
DOL Services Account--State Appropriation \$107,000  
TOTAL APPROPRIATION \$13,230,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING-- INFORMATION SERVICES**

DEPARTMENT OF LICENSING--INFORMATION SERVICES  
Marine Fuel Tax Refund Account--State Appropriation \$2,000  
Motorcycle Safety Education Account--State Appropriation \$126,000  
Wildlife Account--State Appropriation \$58,000  
Highway Safety Account--State Appropriation \$10,339,000  
Highway Safety Account--Federal Appropriation \$6,000  
Motor Vehicle Account--State Appropriation \$6,521,000  
DOL Services Account--State Appropriation \$637,000  
TOTAL APPROPRIATION \$17,689,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

DEPARTMENT OF LICENSING--VEHICLE SERVICES  
Marine Fuel Tax Refund Account--State Appropriation \$60,000  
Wildlife Account--State Appropriation \$585,000  
Motor Vehicle Account--State Appropriation \$57,404,000  
Motor Vehicle Account--Federal Appropriation \$300,000  
DOL Services Account--State Appropriation \$3,130,000  
TOTAL APPROPRIATION \$61,479,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

DEPARTMENT OF LICENSING--DRIVER SERVICES  
Motorcycle Safety Education Account--State Appropriation \$2,576,000  
Highway Safety Account--State Appropriation \$86,016,000  
Highway Safety Account--Federal Appropriation \$254,000  
TOTAL APPROPRIATION \$88,846,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C**

DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C  
Motor Vehicle Account--State Appropriation \$58,196,000

Motor Vehicle Account--Federal Appropriation \$5,163,000  
Puget Sound Ferry Operations Account--State Appropriation \$6,898,000  
Multimodal Transportation Account--State Appropriation \$363,000  
TOTAL APPROPRIATION \$70,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan. The department must provide a report on their proposed application modernization plan to the transportation committees of the legislature by December 1, 2004.

(2) The department shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(3) \$2,150,000 of the motor vehicle account--state appropriation and \$2,150,000 of the motor vehicle account--federal appropriation are reappropriated and provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(4) The department will contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. A report will be made to the appropriate legislative committees by December 1, 2004.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D-- OPERATING DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D**

Motor Vehicle Account--State Appropriation \$31,048,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F**

DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$4,986,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION \$5,146,000

The appropriations in this section are subject to the following conditions and limitations: \$1,300,000 of the aeronautics account-- state appropriation is provided solely for additional preservation grants to airports. Funding is constrained to additional excise and/or fuel tax generated as a result of Senate Bill No. 5392. If Senate Bill No. 5392 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation \$48,710,000

Motor Vehicle Account--Federal Appropriation \$400,000

TOTAL APPROPRIATION \$49,110,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of program funding in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. If neither Senate Bill No. 5279 or House Bill No. 2214 become law by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K**  
DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K  
Motor Vehicle Account--State Appropriation \$1,176,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M**  
DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M  
Motor Vehicle Account--State Appropriation \$287,177,000  
Motor Vehicle Account--Federal Appropriation \$1,426,000  
Motor Vehicle Account--Private/Local Appropriation \$4,253,000  
TOTAL APPROPRIATION \$292,856,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation. The department shall place an equal amount of the motor vehicle account--state appropriation into reserve.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**  
DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING  
Motor Vehicle Account--State Appropriation \$38,869,000  
Motor Vehicle Account--Private/Local Appropriation \$125,000  
TOTAL APPROPRIATION \$38,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,960,000 of the motor vehicle account--state appropriation is provided solely for continuing the expanded incident response program begun in the 2001-2003 biennium. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committee to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) The department will implement the motorist information sign program and shall not contract with private providers to provide the service. The department is required to charge fees sufficient to recover the costs of providing and maintaining the signs.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**  
DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S  
Motor Vehicle Account--State Appropriation \$24,553,000  
Motor Vehicle Account--Federal Appropriation \$636,000  
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000  
Multimodal Transportation Account--State Appropriation \$973,000  
TOTAL APPROPRIATION \$27,255,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**  
DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND  
RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$13,665,000  
Motor Vehicle Account--Federal Appropriation \$16,778,000  
Multimodal Transportation Account--State Appropriation \$1,021,000  
Multimodal Transportation Account--Federal Appropriation \$2,000,000  
TOTAL APPROPRIATION \$33,464,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,940,000 of the motor vehicle account--state appropriation is provided solely to process and analyze all citizen, city, county, and state highway collision reports.
- (2) Funds provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) may be used by the department to support the processing and analysis of city and county collision reports.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES  
FROM OTHER AGENCIES--PROGRAM U**  
DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U  
Motor Vehicle Account--State Appropriation \$52,922,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$35,595,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. This includes one fiscal year's amount of the requested increase in self-insurance premiums. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.
- (2) Payments in this section represent charges from other state agencies to the department of transportation.
  - (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES \$989,000
  - (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$823,000
  - (c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000
  - (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL \$2,252,000
  - (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$42,639,000
  - (f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000
  - (g) FOR ARCHIVES AND RECORDS MANAGEMENT \$523,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC  
TRANSPORTATION--PROGRAM V**  
DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Motor Vehicle Account--State Appropriation \$6,528,000  
Multimodal Transportation Account--State Appropriation \$30,529,000  
Multimodal Transportation Account--Federal Appropriation \$2,574,000  
Multimodal Transportation Account--Private/Local Appropriation \$155,000  
TOTAL APPROPRIATION \$39,786,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. The priority in use of these moneys shall be to provide additional service. Grants may be for capital purposes as long as additional service is provided or to maintain service which otherwise may be terminated. Grant criteria shall also be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.
- (2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of House Bill No. 2228. In administering grants, the department shall give priority to programs providing the greatest reduction in trips and commute miles and to the level of contribution of the public agency, nonprofit organization, developer, and property manager to achieving those reductions. The

department shall act to insure, to the extent possible, that grants are distributed equitably among each eligible type of recipient.

(3) \$6,528,000 of the motor vehicle account--state appropriation and \$3,472,000 of the multimodal transportation account--state appropriation are provided solely for a park and ride lot grant program. Priority will be given to projects located within areas served by public transit agencies. Before any project can proceed, there must be an agreement between the Washington state department of transportation and the public transit agency that the park and ride lot will be served by the public transit agency for a minimum of ten years. If service is discontinued before the amount of time specified in the agreement, the public transit agency will be required to refund the cost of the park and ride lot back to the department of transportation. Additional criteria for selecting projects will include leveraging funds other than state funds, estimated usage, convenience to commuter routes, and corridor congestion.

(4) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely for the rural mobility grant program. Priority will be given to grants that add service. Capital grants can be included as long as additional service is added or the grant would keep current service from being reduced or eliminated.

(5) \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for public transit agencies. The grant program will cover capital costs only; no operating costs are eligible for funding under this grant program. Only grants that add vanpools are eligible, no supplanting of transit funds currently funding vanpools is allowed. Additional criteria for selecting grants will include leveraging funds other than state funds.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE-- PROGRAM X**

**DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State Appropriation \$315,191,000

The appropriation in this section is provided to the Washington state ferries to implement the 5.5.5 strategic plan subject to the following modifications, conditions, and limitations:

(1) The appropriation is based on the budgeted expenditure of \$32,660,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$211,387,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$520.27 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$606.25 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) The Washington state ferries will continue to provide on-going service to Sidney, British Columbia.

(4) The Washington state ferries will provide on-going commuter passenger-only ferry service on the Vashon-Seattle, Southworth-Seattle, and Kingston-Seattle routes.

(5) The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, through increased fares, lower operation costs, and other cost- saving measures as appropriate. The department must report to the transportation committees of the legislature by December 1, 2003 on the options, strategies, and decisions implemented to achieve farebox recovery targets.

(6) The department must provide a separate accounting of passenger- only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

(7) The Washington state ferries will conduct an evaluation of the passenger-only ferry system. At a minimum the evaluation must address the effectiveness of existing passenger-only routes, and identify improvement opportunities. The department will include in this evaluation a review of recommendations for expanded passenger-only ferry service, including new routes and markets, previously submitted to the department by established citizen advisory groups. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for improving the passenger-only ferry system.



(8) The Washington state ferries will evaluate the feasibility of contracting with a public or private organization to provide passenger- only ferry service. The Washington state ferries will also compare the costs and benefits of such state-contracted service to the costs and benefits of such service if provided by an alternative public-private partnership, involving a public benefit transit agency or other entity. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for contracted passenger-only ferry service.

(9) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(10) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

(11) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long- term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL-- PROGRAM Y--OPERATING**

DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation \$42,075,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,831,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for operating an additional passenger run between Seattle and Portland, Oregon. If an additional run is not established, the amount provided in this subsection shall lapse.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--OPERATING**

DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation \$6,682,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION \$9,251,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$75,000 of the total appropriation is provided to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation \$2,455,000

The appropriation in this section is subject to the following conditions and limitations: \$2,455,000 of the state patrol highway account--state appropriation is provided for capital improvements at district and detachment offices statewide during the 2003-2005 biennium. These projects include improvements at the state patrol's Shelton training academy during the 2003-2005 biennium, including the design and partial construction of a water/sewer system, emergency generator replacement, and other minor works projects.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL PROGRAM**

COUNTY ROAD ADMINISTRATION BOARD--CAPITAL PROGRAM  
Rural Arterial Trust Account--State Appropriation \$46,000,000  
Motor Vehicle Account--State Appropriation \$362,000  
County Arterial Preservation Account--State Appropriation \$28,745,000  
TOTAL APPROPRIATION \$75,107,000

The appropriations in this section are subject to the following conditions and limitations: \$362,000 of the motor vehicle account-- state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL PROGRAM**

TRANSPORTATION IMPROVEMENT BOARD--CAPITAL PROGRAM  
Urban Arterial Trust Account--State Appropriation \$99,168,000  
Transportation Improvement Account--State Appropriation \$98,455,000  
TOTAL APPROPRIATION \$197,623,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account-- state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL DEPARTMENT OF TRANSPORTATION--PROGRAM D--CAPITAL**

Motor Vehicle Account--State Appropriation \$14,933,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$14,933,000 of the motor vehicle account--state appropriation is provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL3--house transportation committee facilities project list. Changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management; and

(d) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) The department shall develop a standard design for all maintenance facilities to be funded under this section. Prior to developing design standards, the department must solicit input from all personnel classifications typically employed at maintenance facilities. By September 1, 2003, the department must submit a report to the legislative transportation committees describing the stakeholder involvement process undertaken and the adopted design standards for maintenance facilities.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I  
Motor Vehicle Account--State Appropriation \$613,178,000

Motor Vehicle Account--Federal Appropriation \$193,240,000  
Motor Vehicle Account--Local Appropriation \$16,663,000  
Special Category C Account--State Appropriation \$50,279,000  
Tacoma Narrows Toll Bridge Account Appropriation \$613,300,000  
TOTAL APPROPRIATION \$1,486,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$613,178,000 of the motor vehicle account--state appropriation, \$193,240,000 of the motor vehicle account--federal appropriation, \$16,663,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category c account--state appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL4--house transportation committee project list. In order to provide the flexibility needed to manage a large highway construction program with a significant amount of federal funds, changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) Projects may be added when the department of transportation identifies the projects associated with activity funding allocations as long as the activity allocation is reduced by the amount of the projects added following approval by the office of financial management;

(d) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management;

(e) In order to maximize federal funding and ensure that the state does not lose any available federal funds, projects may be added to the list that utilize additional federal funds provided that state match is available and there are no projects where the state funds can be supplanted following approval by the office of financial management; and

(f) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) The motor vehicle account--state appropriation includes \$53,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes \$18,038,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

(3) The motor vehicle account--state appropriation includes \$428,000,000 in proceeds from the sale of bonds authorized by House Bill No. 2232. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) To manage some projects more efficiently, federal funds may be transferred from program Z to program I to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(5) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$46,300,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

(7) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for an environmental impact statement on increasing capacity across the Columbia River in southwest Washington. This appropriation will not complete the environmental impact statement.

(8) \$4,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the widening of SR 520 Evergreen floating bridge subject to the following conditions:

(a) The "6-lane expandable to 8" alternative will be kept as one of the environmental impact statement (EIS) alternatives but it will no longer be designated the preliminary preferred alternative. The EIS identification of a preferred alternative will occur after all alternatives are fully evaluated;

(b) The standards contained in the DO NO HARM statement will be the primary and major standards used to evaluate the impacts of each alternative;

(c) The "8-lane" alternative will be dropped, and will no longer be included in the DEIS;

(d) A "4-lane expandable to include 2-lanes of fixed guide way HCT" alternative will be added to the alternatives studied in the DEIS. Two variants of this alternative will be studied: (i) With 4 general purpose lanes, and (ii) with 2 general purpose lanes and 2 "hot" lanes; and

(e) The DEIS evaluation of the impact of the hot lanes must explicitly include the socio-economic impacts on different income groups resulting from the price rationing of highway transportation services.

(9) \$250,000 of the motor vehicle account--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with 2 members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The 7 member committee shall hire and oversee the contract with a transportation consulting organization to (a) perform an analysis of such impacts and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(10) \$14,000,000 of the motor vehicle account--state appropriation is provided for design and to begin construction of the Fast 1 identified grade separation/underpass project at Broad Street/Elliot Avenue.

(11) \$9,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington-Bothell campus access project. This amount will cover approximately one-half of the construction costs.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

**DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation \$204,732,000

Motor Vehicle Account--Federal Appropriation \$458,010,000

Motor Vehicle Account--Local Appropriation \$13,086,000

Multimodal Account--State Appropriation \$1,690,000

Multimodal Account--Federal Appropriation \$4,247,000

**TOTAL APPROPRIATION \$681,765,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,732,000 of the motor vehicle account--state appropriation, \$458,010,000 of the motor vehicle account--federal appropriation, \$13,086,000 of the motor vehicle account--local appropriation, \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL4--house transportation committee project list. In order to provide the flexibility needed to manage a large highway construction program with a significant amount of federal funds, changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) Projects may be added when the department of transportation identifies the projects associated with activity funding allocations as long as the activity allocation is reduced by the amount of the projects added following approval by the office of financial management;

(d) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management;

(e) In order to maximize federal funding and ensure that the state does not lose any available federal funds, projects may be added to the list that utilize additional federal funds provided that state match is available and there are no projects where the state funds can be supplanted following approval by the office of financial management; and

(f) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

(3) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(4) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

**DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation \$11,688,000

Motor Vehicle Account--Federal Appropriation \$14,510,000

**TOTAL APPROPRIATION \$26,198,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,688,000 of the motor vehicle account--state appropriation and \$14,510,000 of the motor vehicle account--federal appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL4--house transportation committee project list. In order to provide the flexibility needed to manage a large highway construction program with a significant amount of federal funds, changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) Projects may be added when the department of transportation identifies the projects associated with activity funding allocations as long as the activity allocation is reduced by the amount of the projects added following approval by the office of financial management;

(d) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management;

(e) In order to maximize federal funding and ensure that the state does not lose any available federal funds, projects may be added to the list that utilize additional federal funds provided that state match is available and there are no projects where the state funds can be supplanted following approval by the office of financial management; and

(f) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) The motor vehicle account--state appropriation includes \$10,024,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information system and network. These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--  
PROGRAM W

Puget Sound Capital Construction Account--State Appropriation \$149,959,000  
Puget Sound Capital Construction Account--Federal Appropriation \$34,800,000  
TOTAL APPROPRIATION \$184,759,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) \$149,959,000 of the Puget Sound capital construction account-- state appropriation, and \$34,800,000 of the Puget Sound capital construction account--federal appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL4--house transportation committee project list. In order to provide the flexibility needed to manage a large ferry construction program with a significant amount of federal funds, changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) Projects may be added when the department of transportation identifies the projects associated with activity funding allocations as long as the activity allocation is reduced by the amount of the projects added following approval by the office of financial management;

(d) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management;

(e) In order to maximize federal funding and ensure that the state does not lose any available federal funds, projects may be added to the list that utilize additional federal funds provided that state match is available and there are no projects where the state funds can be supplanted following approval by the office of financial management; and

(f) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) The Puget Sound capital construction account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(3) Of the funds appropriated in this section, \$5,337,000 is provided for emergency repairs, \$77,272,000 is provided for terminal preservation and improvements, \$84,191,000 is provided for vessel preservation, \$13,283,000 is provided for passenger-only vessel and terminal preservation and improvements, and \$4,676,000 is reappropriated for work not completed in the 2001-03 biennium.

(4) The Washington state ferries must prepare a strategic plan for the placement of multimodal terminals in Washington state. This plan should, at a minimum, identify and evaluate potential sites for multimodal terminals, and identify and evaluate possible financing options for placement of these terminals. No improvement funds may be spent on new terminals until the strategic plan has been completed. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for locating and financing multimodal terminals.

(5) The Washington state ferries must conduct an analysis of the long-term need for the Shaw Terminal. At a minimum, this analysis should address the viability and role of the terminal, as well as the availability and suitability of alternative methods of accessing Shaw Island. No preservation funds may be spent on the Shaw Terminal until the Shaw Terminal analysis has been completed. The department must report to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for the Shaw Island terminal.

(6) The department of transportation should work with the Washington state treasurer and others, as appropriate, to identify and evaluate alternative financing options to add new boats to the Washington state ferries system. This evaluation should be focused on providing the department future flexibility. The current financing plan assumes that two auto boats and one passenger-only boat will be financed through revenues generated through mechanisms provided in current law, with an additional 2 auto boats and one passenger-only boat financed through additional revenues. The department shall evaluate the possibilities of financing a fifth auto boat

through operating savings, additional financing mechanisms, or a combination of the two approaches. In developing a plan for new boats, the department shall work with other parties interested in acquiring similar boats to determine if partnerships can be developed that would reduce the costs per boat for all parties through contracting with a shipbuilder for a larger number of boats to be delivered. The department must report to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for financing alternatives.

(7) The department shall evaluate the existing process for designing and building new vessels. In reviewing the process, the department shall compare and contrast standard shipbuilding industry methods with current authorized design-build processes; including the industry use of owner's requirements or functional specifications as a basis for developing contract specifications and contract guidance drawings. Additional analysis of existing processes with industry practices should include a comparison of the impact of the two approaches on the overall, long-term vehicle operating, maintenance, and preservation costs. A report of the findings shall be provided to the transportation committees of the legislature by December 1, 2004.

(8) The next new class of auto ferries shall be known as the "San Juan" class ferry.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL-- PROGRAM Y--CAPITAL**

**DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation \$770,000

Multimodal Transportation Account--State Appropriation \$49,348,000

Multimodal Transportation Account--Federal Appropriation \$9,499,000

Washington Fruit Express Account--State Appropriation \$500,000

**TOTAL APPROPRIATION \$60,117,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$49,348,000 of the multimodal transportation account--state appropriation and \$9,499,000 of the multimodal transportation account-- federal appropriation, \$770,000 of the essential rail assistance account--state appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL5--house transportation committee rail project list. Changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management;

(d) In order to maximize federal funding and ensure that the state does not lose any available federal funds, projects may be added to the list that utilize additional federal funds provided that state match is available and there are no projects where the state funds can be supplanted following approval by the office of financial management; and

(e) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) \$770,000 of the essential rail assistance account--state appropriation and \$230,000 of the multimodal transportation account-- state appropriation are provided solely for emerging projects that would result in maintaining service on light-density rail lines, or would result in creating new jobs in rural or depressed areas. Projects selected to be funded under this section and not specifically identified by the list referenced in subsection (1) of this section must be approved in advance by the office of financial management.

(3) \$662,000 of the multimodal transportation account--federal appropriation is provided solely for small scale improvements on the Pacific Northwest Corridor.

(4) \$500,000 of the Washington fruit express account--state appropriation is provided solely for leasing Washington fruit express cars.

(5) The appropriations in this section are subject to the conditions and limitations of section 501 of this act.

(6) \$2,000,000 of the multimodal transportation account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(7) \$7,500,000 of the multimodal transportation account--state appropriation is provided solely for an additional train set for operation between Seattle and Portland, Oregon. If negotiations with the state of Oregon for purchase of an existing train set fail or alternative options for securing a train set does not materialize, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

**DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation \$207,000

Highway Infrastructure Account--Federal Appropriation \$1,602,000

Motor Vehicle Account--State Appropriation \$46,116,000

Multimodal Transportation Account--State Appropriation \$12,760,000

**TOTAL APPROPRIATION \$60,685,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$17,211,000 of the motor vehicle account--state appropriation and \$5,034,000 of the multimodal transportation account--state appropriation are provided solely to implement the activities and projects included in the transportation executive information systems project list named 03HTCPL4--house transportation committee project list. In order to provide the flexibility needed to manage a large highway construction program with a significant amount of federal funds, changes to the list may occur under the following conditions and restrictions:

(a) Projects that have unplanned carry-forward expenditures from the 2001-03 biennium may be added to the list in order to complete the project following approval by the office of financial management;

(b) Projects that were completed in the 2001-03 biennium and do not require expenditure in the 2003-05 biennium may be removed from the list following approval by the office of financial management;

(c) If planned construction of a project is unavoidably delayed, the department may advance construction of a similar project provided that funding has been identified to complete both projects following approval by the office of financial management; and

(d) In the event of an emergency, the department is allowed to add emergency projects to the list and delay currently funded projects in order to fund the emergency projects following approval by the office of financial management.

The department will provide every calendar quarter to the house transportation committee and the senate highway and transportation committee a report detailing any changes to the project list and the reasons for the change.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$8,486,000 of the motor vehicle account--state appropriation is reappropriated and provided for local freight mobility improvement projects.

(4) The motor vehicle--state appropriation includes \$20,452,000 in unexpended proceeds from bond sales authorized by RCW 47.10.843.

(5) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) \$1,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(7) \$4,010,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division



within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(8) The motor vehicle account--state appropriation includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 2232. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

## **TRANSFERS AND DISTRIBUTIONS**

### **NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

#### **STATE TREASURER--BOND RETIREMENT AND INTEREST**

Highway Bond Retirement Account Appropriation \$263,647,000

Ferry Bond Retirement Account Appropriation \$43,340,000

Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000

Motor Vehicle Account--State Appropriation \$4,247,000

Special Category C Account--State Appropriation \$440,000

Transportation Improvement Account--State Appropriation \$240,000

**TOTAL APPROPRIATION \$348,635,000**

### **NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

#### **STATE TREASURER--BOND RETIREMENT AND INTEREST**

Motor Vehicle Account--State Appropriation \$360,000

Special Category C Account Appropriation \$92,000

Transportation Improvement Account--State Appropriation \$5,000

**TOTAL APPROPRIATION \$457,000**

### **NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

#### **STATE TREASURER--BOND RETIREMENT AND INTEREST**

(1) Motor Vehicle Account--State Appropriation:

For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound capital construction account \$45,000,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

### **NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

(1) Motor Vehicle Account--State Appropriation (1) for motor vehicle fuel tax distributions to cities and counties \$441,359,000

(2) Motor Vehicle Account--State Appropriation: For license permit and fee distributions to cities and counties \$51,652,000

(3) Multimodal Account--State Appropriation for distributions to transit agencies \$12,000,000

For assistance in providing special needs transportation. \$6,000,000 is to be distributed quarterly in fiscal year 2004, starting September 30 and \$6,000,000 is to be distributed quarterly in fiscal year 2005, starting September 30. Distributions shall be prorated based on the amount expended demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation-2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions in any fiscal year. The amount over thirty percent will be prorated to the remaining transit agencies based on the above demand response service and route deviated service expenditures. The department of transportation shall notify the state treasurer of the amounts to be distributed to each transit agency.

(4) Multimodal Account--State Appropriation for distributions to qualifying transit agencies \$10,000,000

Provided to implement sales tax equalization as required by House Bill No. 2229. If House Bill No. 2229 is not enacted into law the amount provided for distribution in this subsection shall lapse. The department of revenue will notify the state treasurer of the amounts and agencies to receive the distribution.

**NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS**  
**STATE TREASURER--TRANSFERS**

(1) State Patrol Highway Account--State Appropriation:

For transfer to the Motor Vehicle Account \$20,000,000

(2) Motor Vehicle Account--State Appropriation:

For motor vehicle fuel tax refunds and transfers \$465,152,000

(3) Highway Safety Account--State Appropriation:

For transfer to the multimodal transportation account--state \$10,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSFERS**  
**DEPARTMENT OF TRANSPORTATION--TRANSFERS**

(1) Motor Vehicle Fund--State Appropriation:

For transfer to Puget Sound Ferry Operations Account \$19,757,000

(2) RV Account--State Appropriation:

For transfer to the Motor Vehicle Fund--State \$1,954,000

(3) Motor Vehicle Fund--State Appropriation:

For transfer to Puget Sound Capital Construction Account \$84,000,000

(4) Multimodal Account--State Appropriation:

For transfer to Puget Sound Ferry Operations Account \$5,400,000

(5) Multimodal Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account \$13,300,000

(6) Puget Sound Ferry Operations Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account \$21,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2), (3), and (5) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (6) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (6) of this section may not include any revenues collected as passenger fares.

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--**  
**TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

State Patrol Highway Account:

For transfer to the department of retirement systems expense account:

For the administrative expenses of the judicial retirement system \$223,304

**NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS  
OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS AND  
EMPLOYEE HEALTH BENEFITS**

Pilotage Account--State Appropriation \$1,000  
Aeronautics Account--State Appropriation \$12,000  
State Patrol Highway Account--State Appropriation \$2,823,000  
State Patrol Highway Account--Federal Appropriation \$47,000  
State Patrol Highway Account--Local Appropriation \$12,000  
Motorcycle Safety Education Account--State Appropriation \$2,000  
Rural Arterial Trust Account--State Appropriation \$4,000  
Highway Safety Account--State Appropriation \$891,000  
Highway Safety Account--Federal Appropriation \$19,000  
Motor Vehicle Account--State Appropriation \$3,919,000  
Puget Sound Ferry Operations Account--State Appropriation \$2,211,000  
Urban Arterial Trust Account--State Appropriation \$6,000  
Transportation Improvement Account--State Appropriation \$6,000  
County Arterial Preservation Account--State Appropriation \$5,000  
Department of Licensing Services Account--State Appropriation \$2,000  
TOTAL APPROPRIATION \$9,960,000

**NEW SECTION. Sec. 409. STATUTORY APPROPRIATIONS.  
STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 410.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 501.** The department of transportation shall maximize the use of state, federal, and local funds to implement the provisions of this act. Appropriations shall initially be allotted as appropriated by this act. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that specified purpose. After approval by the director of the office of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the motor vehicle account--state, motor vehicle account-- federal, and motor vehicle account--private/local appropriations and between the multimodal transportation account--state, multimodal transportation account--federal, and multimodal account--local appropriations. However, the department shall not expend more than the total amount appropriated for both these accounts.

**2001-03 BIENNIUM  
TRANSPORTATION AGENCIES**

**Sec. 1201.** 2002 c 359 s 205 (uncodified) is amended to read as follows:  
**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE  
LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.
- (2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).
- (3) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.120(3).

~~(4)~~ (4) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochair shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

~~((4))~~ (5) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochair shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

~~((5))~~ (6) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

~~((6))~~ (7) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

- (a) The costs and benefits of providing such services;
- (b) The impact of such service on ridership on the areawide system and on any regional systems;
- (c) Funding options for supplemental services; and
- (d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

~~((7))~~ (8) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

~~((8))~~ (9) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

~~((9))~~ (10) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

**Sec. 1202.** 2002 c 359 s 207 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU	
State Patrol Highway Account--State Appropriation ( <del>(\$164,147,000)</del> )	<u>\$163,540,000</u>
State Patrol Highway Account--Federal Appropriation ( <del>(\$7,278,000)</del> )	<u>\$7,544,000</u>
State Patrol Highway Account--Private/Local Appropriation ( <del>(\$169,000)</del> )	<u>\$282,000</u>
TOTAL APPROPRIATION ( <del>(\$171,594,000)</del> )	<u>\$171,366,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers- Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

**Sec. 1203.** 2002 c 359 s 208 (uncodified) is amended to read as follows:

<b>FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU</b>	
WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU	
Multimodal Transportation Account--State Appropriation \$5,247,000	
State Patrol Highway Account--State Appropriation ( <del>(\$71,736,000)</del> )	<u>\$71,230,000</u>
State Patrol Highway Account--Private/Local Appropriation \$735,000	
TOTAL APPROPRIATION ( <del>(\$77,718,000)</del> )	<u>\$77,212,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

**Sec. 1204.** 2002 c 359 s 210 (uncodified) is amended to read as follows:

<b>FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES</b>	
DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES	
Marine Fuel Tax Refund Account--State Appropriation \$3,000	
Motorcycle Safety Education Account--State Appropriation \$88,000	
Wildlife Account--State Appropriation \$81,000	
Highway Safety Account--State Appropriation ( <del>(\$7,724,000)</del> )	<u>\$7,740,000</u>
Highway Safety Account--Federal Appropriation \$55,000	
Motor Vehicle Account--State Appropriation ( <del>(\$4,400,000)</del> )	<u>\$4,403,000</u>
Licensing Services Account--State Appropriation \$173,000	
TOTAL APPROPRIATION ( <del>(\$12,524,000)</del> )	

\$12,543,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1205.** 2002 c 359 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State Appropriation \$2,000

Motorcycle Safety Education Account--State Appropriation \$13,000

Wildlife Account--State Appropriation \$34,000

Highway Safety Account--State Appropriation (~~(\$5,735,000)~~)

\$5,742,000

Highway Safety Account--Federal Appropriation \$31,000

Motor Vehicle Account--State Appropriation \$3,695,000

Licensing Services Account--State Appropriation \$213,000

TOTAL APPROPRIATION (~~(\$9,723,000)~~)

\$9,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1206.** 2002 c 359 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$26,000

Wildlife Account--State Appropriation \$578,000	
Motor Vehicle Account--State Appropriation ( <del>(\$58,191,000)</del> )	<u>\$58,479,000</u>
Licensing Services Account--State Appropriation \$4,240,000	
TOTAL APPROPRIATION ( <del>(\$63,035,000)</del> )	<u>\$63,323,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1207.** 2002 c 359 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,573,000

Highway Safety Account--State Appropriation (~~(\$82,175,000)~~)

\$82,662,000

Highway Safety Account--Federal Appropriation \$788,000

TOTAL APPROPRIATION (~~(\$85,536,000)~~)

\$86,023,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1208.** 2002 c 359 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation (~~(\$5,349,000)~~)

\$4,967,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION (~~(\$5,509,000)~~)

\$5,127,000

**Sec. 1209.** 2002 c 359 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U  
Payments in this section represent charges from other state agencies to the department of transportation.

- (1) FOR PAYMENT OF WASHINGTON STATE FERRIES TORT LIABILITY AND SETTLEMENTS  
Motor Vehicle Account--State Appropriation \$5,626,000  
~~((4))~~ (2) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES  
Motor Vehicle Account--State Appropriation \$464,000  
Puget Sound Ferry Operations--State Appropriation \$154,000  
~~((2))~~ (3) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  
Motor Vehicle Account--State Appropriation \$713,000  
~~((3))~~ (4) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES  
Motor Vehicle Account--State Appropriation \$4,047,000  
~~((4))~~ (5) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL  
Motor Vehicle Account--State Appropriation \$2,237,000  
~~((5))~~ (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION  
Motor Vehicle Account--State Appropriation \$28,755,000  
Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

- (6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES  
Motor Vehicle Account--State Appropriation \$251,000  
(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE  
Motor Vehicle Account--State Appropriation \$1,547,000  
(8) FOR ARCHIVES AND RECORDS MANAGEMENT  
Motor Vehicle Account--State Appropriation \$457,000  
TOTAL APPROPRIATION (~~(\$42,829,000)~~)

\$48,455,000

**Sec. 1210.** 2002 c 359 s 226 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation (~~(\$311,312,000)~~)

\$312,612,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$35,159,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003



biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

#### **TRANSPORTATION AGENCIES CAPITAL FACILITIES**

**Sec. 1301.** 2001 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
**DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation ((~~\$13,046,000~~))

\$12,371,000

#### **TRANSFERS AND DISTRIBUTIONS**

**Sec. 1401.** 2002 c 359 s 401 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

**STATE TREASURER--BOND RETIREMENT AND INTEREST**

Highway Bond Retirement Account Appropriation ((~~\$208,206,000~~))

\$196,524,000

Ferry Bond Retirement Account Appropriation \$52,473,000

Transportation Improvement Board Bond Retirement Account--  
State Appropriation ((~~\$40,856,000~~))

\$38,088,000

Motor Vehicle Account--State Appropriation ((~~\$4,588,000~~))

\$1,473,000

Special Category C Account--State Appropriation ((~~\$631,000~~))

\$114,000

Transportation Improvement Account--State Appropriation ((~~\$340,000~~))

\$76,000

TOTAL APPROPRIATION ((~~\$307,094,000~~))

\$288,748,000

**Sec. 1402.** 2002 c 359 s 402 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

STATE TREASURER--BOND RETIREMENT AND INTEREST

Motor Vehicle Account--State Appropriation ((~~\$459,000~~))

\$201,000

Special Category C Account Appropriation ((~~\$41,000~~))

\$17,000

Transportation Improvement Account--State Appropriation \$34,000

TOTAL APPROPRIATION ((~~\$534,000~~))

\$252,000

**Sec. 1403.** 2002 c 359 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((~~\$428,981,000~~))

\$425,501,000

Motor Vehicle Account Appropriation for motor vehicle license, permit, and fee distributions to cities and counties \$56,304,000

**Sec. 1404.** 2002 c 359 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**

STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:  
 For transfer to the Motor Vehicle Fund--State ((~~\$1,344,000~~))

\$542,000

The department of transportation shall only transfer funds provided under this subsection ((~~(1) of this section~~)) on an as-needed basis.

((~~2~~)) ((~~Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$1,911,000~~))

((~~3~~)) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$48,657,000

((~~4~~)) ((~~3~~)) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((~~\$453,279,000~~))

\$448,264,000

((~~6~~)) ((~~4~~)) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$1,500,000

((~~7~~)) ((~~5~~)) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$20,000,000

((~~8~~)) ((~~6~~)) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account ((~~\$839,000,000~~))

\$39,000,000

((~~9~~)) ((~~7~~)) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$5,000,000

((~~4~~)) If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.

((~~2~~)) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.))

NEW SECTION. Sec. 1405. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**  
**STATE TREASURER MVFT BONDS AND TRANSFERS**

Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$800,000,000

The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

**PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. Sec. 1501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1502. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2002 c 359 ss 205, 207, 208, 210, 211, 212, 213, 215, 223, 226, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); adding a new section to 2001 2nd sp.s. c 14 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

Representative Morris moved the adoption of amendment (351) to amendment (344):

On page 31, line 25, after "(6)" insert "(a)"

On page 31, line 36, after "approaches." insert the following:

"(b) Unless specific 30-year exemptions are received from the United States Coast Guard in operating the international run, the new ferries must be of comparable quality and design to the Jumbo Mark II Class ferry and meet the certifications of the United States Coast Guard, the American Bureau of Shipping, and safety of life at sea.

(c)"

Representative Morris spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative Morris moved the adoption of amendment (352) to amendment (344):

On page 32, line 17, after "by", strike "December 1, 2004" and insert "December 1, 2003"

Representatives Morris and Woods spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative Anderson moved the adoption of amendment (358) to amendment (344):

On page 42, after line 15 insert the following:

NEW SECTION. Sec. 502. No funding appropriated in this act shall be spent within King, Pierce and Snohomish counties until the governing board for the regional transit authority in these counties has been directly elected by a majority of voters within the authority's taxing district."

## **POINT OF ORDER**

Representative Kessler requested a Scope and Object ruling on amendment (358) to amendment (344).

## **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "Substitute House Bill No. 1163 is the state transportation budget for the 2003-05 biennium. It provides state funds for various transportation projects.

Amendment 358 relates to the governing board of a regional transportation authority that receives no funds in the budget bill. The purpose of the amendment - to require changes in the method by which the authority's board members are chosen - is completely external to the purpose of the bill, providing state funds for various transportation projects.

The amendment is therefore beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

The question before the House was the adoption of amendment (344) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Wallace, Romero and Jarrett spoke in favor of passage of the bill.

Representatives Ericksen and Mielke spoke against the passage of the bill.

The Speaker assumed the chair.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1163.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1163 and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Miloscia, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump and Talcott - 40.

Excused: Representative Delvin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, having received the necessary constitutional majority, was declared passed.

## **STATEMENT FOR THE JOURNAL**

I intended on voting NAY on Engrossed Substitute House Bill No. 1163.

**HOUSE BILL NO. 2231, by Representatives Murray, Wallace, Cooper, Clibborn, Rockefeller, Simpson, Hudgins and Hankins**

**Authorizing transportation financing alternatives.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2231 was substituted for House Bill No. 2231 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2231 was read the second time.

With the consent of the House, amendments (337) and (336) were withdrawn.

Representative Murray moved the adoption of amendment (343):

Strike everything after the enacting clause and insert the following:

**"PART I - INTENT**

NEW SECTION. **Sec. 101.** The legislature finds that the state's transportation system is in critical need of repair, restoration, and enhancement. Bridges and major highway structures are at risk of failure during a seismic episode; ferry vessels are aged and nearing the end of their useful life; increased traffic congestion on state highways and local roadways threatens the state's economic vitality and quality of life; highways in some areas are experiencing high accident rates; and the mobility of persons with special needs or who live in rural areas has been greatly impaired by cuts in public transportation services, thus threatening our citizens' ability to access health care, job opportunities, and educational institutions. The revenues generated by this act are dedicated to funds, accounts, and activities that are critically necessary to improve the delivery of state transportation projects and services.

**PART II - LICENSE FEES**

**Sec. 201.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	37.00	37.00
	\$	\$
6,000 lbs.	44.00	44.00
	\$	\$
8,000 lbs.	55.00	55.00
	\$	\$
10,000 lbs.	62.00	62.00
	\$	\$

<del>((12,000 lbs.</del>	\$	72.00	\$	72.00
<del>14,000 lbs.</del>	\$	82.00	\$	82.00
<del>16,000 lbs.</del>	\$	92.00	\$	92.00
<del>18,000 lbs.</del>	\$	137.00	\$	137.00
<del>20,000 lbs.</del>	\$	152.00	\$	152.00
<del>22,000 lbs.</del>	\$	164.00	\$	164.00
<del>24,000 lbs.</del>	\$	177.00	\$	177.00
<del>26,000 lbs.</del>	\$	187.00	\$	187.00
<del>28,000 lbs.</del>	\$	220.00	\$	220.00
<del>30,000 lbs.</del>	\$	253.00	\$	253.00
<del>32,000 lbs.</del>	\$	304.00	\$	304.00
<del>34,000 lbs.</del>	\$	323.00	\$	323.00
<del>36,000 lbs.</del>	\$	350.00	\$	350.00
<del>38,000 lbs.</del>	\$	384.00	\$	384.00
<del>40,000 lbs.</del>	\$	439.00	\$	439.00
<del>42,000 lbs.</del>	\$	456.00	\$	546.00
<del>44,000 lbs.</del>	\$	466.00	\$	556.00

46,000 lbs.	\$	501.00	\$	591.00
48,000 lbs.	\$	522.00	\$	612.00
50,000 lbs.	\$	566.00	\$	656.00
52,000 lbs.	\$	595.00	\$	685.00
54,000 lbs.	\$	642.00	\$	732.00
56,000 lbs.	\$	677.00	\$	767.00
58,000 lbs.	\$	704.00	\$	794.00
60,000 lbs.	\$	750.00	\$	840.00
62,000 lbs.	\$	804.00	\$	894.00
64,000 lbs.	\$	822.00	\$	912.00
66,000 lbs.	\$	915.00	\$	1,005.00
68,000 lbs.	\$	954.00	\$	1,044.00
70,000 lbs.	\$	1,027.00	\$	1,117.00
72,000 lbs.	\$	1,098.00	\$	1,188.00
74,000 lbs.	\$	1,193.00	\$	1,283.00
76,000 lbs.	\$	1,289.00	\$	1,379.00
78,000 lbs.	\$	1,407.00	\$	1,497.00

<del>80,000 lbs.</del>	<del>\$ 1,518.00</del>	<del>\$ 1,608.00</del>
<del>82,000 lbs.</del>	<del>\$ 1,623.00</del>	<del>\$ 1,713.00</del>
<del>84,000 lbs.</del>	<del>\$ 1,728.00</del>	<del>\$ 1,818.00</del>
<del>86,000 lbs.</del>	<del>\$ 1,833.00</del>	<del>\$ 1,923.00</del>
<del>88,000 lbs.</del>	<del>\$ 1,938.00</del>	<del>\$ 2,028.00</del>
<del>90,000 lbs.</del>	<del>\$ 2,043.00</del>	<del>\$ 2,133.00</del>
<del>92,000 lbs.</del>	<del>\$ 2,148.00</del>	<del>\$ 2,238.00</del>
<del>94,000 lbs.</del>	<del>\$ 2,253.00</del>	<del>\$ 2,343.00</del>
<del>96,000 lbs.</del>	<del>\$ 2,358.00</del>	<del>\$ 2,448.00</del>
<del>98,000 lbs.</del>	<del>\$ 2,463.00</del>	<del>\$ 2,553.00</del>
<del>100,000 lbs.</del>	<del>\$ 2,568.00</del>	<del>\$ 2,658.00</del>
<del>102,000 lbs.</del>	<del>\$ 2,673.00</del>	<del>\$ 2,763.00</del>
<del>104,000 lbs.</del>	<del>\$ 2,778.00</del>	<del>\$ 2,868.00</del>
<del>105,500 lbs.</del>	<del>\$ 2,883.00</del>	<del>\$ 2,973.00))</del>
<u>12,000 lbs.</u>	<u>\$ 79.00</u>	<u>\$ 79.00</u>
<u>14,000 lbs.</u>	<u>\$ 90.00</u>	<u>\$ 90.00</u>
<u>16,000 lbs.</u>	<u>\$ 102.00</u>	<u>\$ 102.00</u>



<u>18,000 lbs.</u>	\$	<u>154.00</u>	\$	<u>154.00</u>
<u>20,000 lbs.</u>	\$	<u>171.00</u>	\$	<u>171.00</u>
<u>22,000 lbs.</u>	\$	<u>185.00</u>	\$	<u>185.00</u>
<u>24,000 lbs.</u>	\$	<u>200.00</u>	\$	<u>200.00</u>
<u>26,000 lbs.</u>	\$	<u>211.00</u>	\$	<u>211.00</u>
<u>28,000 lbs.</u>	\$	<u>249.00</u>	\$	<u>249.00</u>
<u>30,000 lbs.</u>	\$	<u>287.00</u>	\$	<u>287.00</u>
<u>32,000 lbs.</u>	\$	<u>346.00</u>	\$	<u>346.00</u>
<u>34,000 lbs.</u>	\$	<u>368.00</u>	\$	<u>368.00</u>
<u>36,000 lbs.</u>	\$	<u>399.00</u>	\$	<u>399.00</u>
<u>38,000 lbs.</u>	\$	<u>438.00</u>	\$	<u>438.00</u>
<u>40,000 lbs.</u>	\$	<u>501.00</u>	\$	<u>501.00</u>
<u>42,000 lbs.</u>	\$	<u>521.00</u>	\$	<u>611.00</u>
<u>44,000 lbs.</u>	\$	<u>532.00</u>	\$	<u>622.00</u>
<u>46,000 lbs.</u>	\$	<u>572.00</u>	\$	<u>662.00</u>
<u>48,000 lbs.</u>	\$	<u>596.00</u>	\$	<u>686.00</u>
<u>50,000 lbs.</u>	\$	<u>647.00</u>	\$	<u>737.00</u>

<u>52,000 lbs.</u>	<u>680.00</u>	<u>770.00</u>
\$		\$
<u>54,000 lbs.</u>	<u>734.00</u>	<u>824.00</u>
\$		\$
<u>56,000 lbs.</u>	<u>775.00</u>	<u>865.00</u>
\$		\$
<u>58,000 lbs.</u>	<u>806.00</u>	<u>896.00</u>
\$		\$
<u>60,000 lbs.</u>	<u>859.00</u>	<u>949.00</u>
\$		\$
<u>62,000 lbs.</u>	<u>921.00</u>	<u>1,011.00</u>
\$		\$
<u>64,000 lbs.</u>	<u>941.00</u>	<u>1,031.00</u>
\$		\$
<u>66,000 lbs.</u>	<u>1,048.00</u>	<u>1,138.00</u>
\$		\$
<u>68,000 lbs.</u>	<u>1,093.00</u>	<u>1,183.00</u>
\$		\$
<u>70,000 lbs.</u>	<u>1,177.00</u>	<u>1,267.00</u>
\$		\$
<u>72,000 lbs.</u>	<u>1,259.00</u>	<u>1,349.00</u>
\$		\$
<u>74,000 lbs.</u>	<u>1,368.00</u>	<u>1,458.00</u>
\$		\$
<u>76,000 lbs.</u>	<u>1,478.00</u>	<u>1,568.00</u>
\$		\$
<u>78,000 lbs.</u>	<u>1,614.00</u>	<u>1,704.00</u>
\$		\$
<u>80,000 lbs.</u>	<u>1,742.00</u>	<u>1,832.00</u>
\$		\$
<u>82,000 lbs.</u>	<u>1,863.00</u>	<u>1,953.00</u>
\$		\$
<u>84,000 lbs.</u>	<u>1,983.00</u>	<u>2,073.00</u>
\$		\$

<u>86,000 lbs.</u>	<u>2,104.00</u>	<u>2,194.00</u>
\$	\$	
<u>88,000 lbs.</u>	<u>2,225.00</u>	<u>2,315.00</u>
\$	\$	
<u>90,000 lbs.</u>	<u>2,346.00</u>	<u>2,436.00</u>
\$	\$	
<u>92,000 lbs.</u>	<u>2,466.00</u>	<u>2,556.00</u>
\$	\$	
<u>94,000 lbs.</u>	<u>2,587.00</u>	<u>2,677.00</u>
\$	\$	
<u>96,000 lbs.</u>	<u>2,708.00</u>	<u>2,798.00</u>
\$	\$	
<u>98,000 lbs.</u>	<u>2,829.00</u>	<u>2,919.00</u>
\$	\$	
<u>100,000 lbs.</u>	<u>2,949.00</u>	<u>3,039.00</u>
\$	\$	
<u>102,000 lbs.</u>	<u>3,070.00</u>	<u>3,160.00</u>
\$	\$	
<u>104,000 lbs.</u>	<u>3,191.00</u>	<u>3,281.00</u>
\$	\$	
<u>105,500 lbs.</u>	<u>3,312.00</u>	<u>3,402.00</u>
\$	\$	

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 202.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((23.677))~~ 21.963 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((4.524))~~ 1.411 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

**NEW SECTION. Sec. 203.** Revenues attributable to the increased gross weight fees under section 201 of this act must be expended solely on transportation projects that directly benefit the movement of freight.

**NEW SECTION. Sec. 204.** The increased gross weight fees under section 201 of this act apply to registrations that become payable after July 1, 2003.

### PART III - VEHICLE TRANSFER TAX

**NEW SECTION. Sec. 301.** A new section is added to chapter 82.44 RCW to read as follows:

(1) There is levied and there shall be collected a vehicle transfer tax on motor vehicles for the privilege of using the transportation system in this state. The tax authorized by this section shall be in addition to any other taxes authorized by law and shall be imposed on any retail sale, lease, or use of a motor vehicle upon which a state tax is imposed under chapter 82.08 or 82.12 RCW. However, the tax imposed by this section does not apply to the rental of a motor vehicle. The rate of the tax shall equal forty-six one-hundredths of one percent of the selling price when a state tax is imposed under chapter 82.08 RCW, or forty-six one-hundredths of one percent of the value of the article used when a state tax is imposed under chapter 82.12 RCW. The meaning ascribed to words and phrases in chapters 82.04, 82.08, and 82.12 RCW, insofar as applicable, have full force and effect with respect to the tax imposed by this section.

(2) For the purposes of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(3) The tax imposed in this section shall be collected and remitted in the same manner as excise taxes collected under chapters 82.08 and 82.12 RCW. The department of revenue shall collect and administer the tax imposed by this section. All administrative provisions in chapters 82.08, 82.12, and 82.32 RCW, insofar as they are applicable, apply to the tax imposed under this section. The department of revenue has the power to adopt rules as may be necessary to administer the provisions of this section. In the collection of tax imposed by this section, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. The county auditors shall collect and remit the tax imposed by this section in the same manner as the tax collected under RCW 82.12.045. No additional collection fee shall be deductible by a county auditor remitting the tax collected under this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting the tax revenue to the state treasurer.

(4) The revenue collected under this section shall be deposited into the multimodal transportation account created under RCW 47.66.070.

### PART IV - MOTOR AND SPECIAL FUEL TAXES

**Sec. 401.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2)(a) Beginning July 1, 2003, an additional and cumulative motor fuel tax rate of one cent per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(b) Beginning July 1, 2004, an additional and cumulative motor fuel tax rate of one cent per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(c) Beginning July 1, 2005, an additional and cumulative motor fuel tax rate of one cent per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(d) Beginning July 1, 2006, an additional and cumulative motor fuel tax rate of one cent per gallon applies to the sale, distribution, or use of motor vehicle fuel.

**Sec. 402.** RCW 82.38.030 and 2002 c 183 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate (~~(computed in the manner provided in RCW 82.36.025 on each)~~) of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2)(a) Beginning July 1, 2003, an additional and cumulative tax rate of one cent per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(b) Beginning July 1, 2004, an additional and cumulative tax rate of one cent per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(c) Beginning July 1, 2005, an additional and cumulative tax rate of one cent per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(d) Beginning July 1, 2006, an additional and cumulative tax rate of one cent per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) The tax is imposed (~~(by subsection (1) of this section is imposed)~~) when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer- terminal system.

~~((3))~~ (4) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 403.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (4))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((e))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) One hundred percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the motor vehicle account.

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 404.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((d))~~ (2)(g) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(2)(g) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance

program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(~~((1)+(1))~~) (2)(g) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**Sec. 405.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~((2)(a))~~) (3)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~((2)(b))~~) (3)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~((2)(c))~~) (3)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~((2)(d))~~) (3)(d).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(~~((2)(e))~~) (3)(e).

**Sec. 406.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((1))~~) if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 407.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate ~~((in effect January 1, 1990))~~ of twenty cents per gallon of motor vehicle fuel, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and

management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;
  - (ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;
  - (iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.
- (2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 408.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate ~~((in effect January 1, 1990))~~ of twenty cents per gallon of motor vehicle fuel.

**Sec. 409.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate ~~((under RCW 82.36.025 in effect on January 1, 1990))~~ of twenty cents per gallon of motor vehicle fuel, to the recreation resource account and the remainder to the motor vehicle fund.

## **PART V - CLEAN AIR FEE**

**NEW SECTION. Sec. 501.** A new section is added to chapter 70.94 RCW to read as follows:

In addition to other fees and taxes required under this chapter, registered owners of motor vehicles as defined in RCW 46.04.320 shall annually, upon renewal, pay a clean air fee of two dollars. The proceeds of this clean air fee must be deposited in a segregated subaccount of the air pollution control account created in RCW 70.94.015.

**NEW SECTION. Sec. 502.** A new section is added to chapter 70.94 RCW to read as follows:

- (1) Money from the clean air fee under section 501 of this act may be used for any purpose under this chapter, including but not limited to the following:
- (a) Retrofitting motor vehicles, including school buses and transit fleets, with exhaust emission control devices;
  - (b) Reducing air contaminant emissions and cleaning up air pollution;
  - (c) Reducing and eliminating toxic air contaminants;
  - (d) Providing funding for the differential costs of cleaner and alternative fuels and vehicles that reduce air emissions and allow advanced exhaust emission control devices to be used, including ultralow sulfur diesel fuel, biodiesel, and natural gas;
  - (e) Providing funding for infrastructure necessary to allow fleets to use alternative, cleaner fuels; and
  - (f) Administrative and operating costs of air pollution control authorities and, where there is no air pollution control agency, the department, to develop and oversee the air pollution cleanup programs identified in this section.
- (2) Money from the clean air fee under section 501 of this act is subject to distribution as follows:
- (a) Eighty percent of the money must be distributed to the air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under section 501 of this act that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.
  - (b) Twenty percent of the money from the fee under section 501 of this act must be distributed to the department and used by the department for the following purposes:
    - (i) Retrofitting motor vehicles, including school buses and transit fleets, with exhaust emission control devices;
    - (ii) Reducing air contaminant emissions and cleaning up air pollution;



- (iii) Reducing and eliminating toxic air contaminants;
  - (iv) Providing funding for the differential costs of cleaner and alternative fuels and vehicles that reduce air emissions and allow advanced exhaust emission control devices to be used, including ultralow sulfur diesel fuel, biodiesel, and natural gas;
  - (v) Providing funding for infrastructure necessary to allow fleets to use alternative, cleaner fuels; and
  - (vi) Administrative and operating costs of air pollution control authorities and, where there is no air pollution control agency, the department, to develop and oversee the air pollution cleanup programs identified in this section.
- (3) Money in the air pollution control account may be spent by the department only after appropriation.

## **PART VI - SPECIAL LICENSE PLATES AND FUNDING**

**Sec. 601.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design, but must be ((issued on a standard background)) legible and clearly identifiable as a Washington state license plate, as designated by the department.

(2) Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(3) In providing for the periodic replacement of license plates, the department shall offer the vehicle's owner the option of retaining the current license plate number. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

**Sec. 602.** RCW 46.01.140 and 2001 c 331 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

- (ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;
- (iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;
- (iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;
- (v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.
- (d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.
- (e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.
- (f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.
- (4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.
- (b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.
- (c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.
- (d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.
- (e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional ~~((fifty))~~ seventy-five cents on registrations that are due or are to become due November 1, 2003, which must be collected and remitted to the state treasurer ~~((for deposit))~~ and distributed as follows:
  - (i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund ~~((Revenue deposited into this account))~~ and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.
  - (ii) Twenty-five cents must be deposited into the license plate technology account created under section 603 of this act.
- (5) A subagent shall collect a service fee of (a) eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.
- (6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.
- (7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.
- (8) The director may adopt rules to implement this section.

**NEW SECTION. Sec. 603.** A new section is added to chapter 46.16 RCW to read as follows:  
 The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades. Money in the account may be spent only after appropriation.

**NEW SECTION. Sec. 604.** A new section is added to chapter 46.16 RCW to read as follows:  
 The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that

they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions in addition to the five renditions provided under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

## **PART VII - MISCELLANEOUS**

NEW SECTION. **Sec. 701.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** Section 501 of this act expires June 30, 2030.

NEW SECTION. **Sec. 703.** (1) Except for sections 601 through 604 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003.

(2) Sections 601 through 604 of this act take effect January 1, 2004."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 46.16.070, 46.68.035, 82.38.030, 82.38.035, 82.38.047, 46.09.170, 46.10.170, 79A.25.070, 46.16.233, and 46.01.140; reenacting and amending RCW 82.36.025, 46.68.090, and 46.68.110; adding a new section to chapter 82.44 RCW; adding new sections to chapter 70.94 RCW; adding new sections to chapter 46.16 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

Representative Mielke moved the adoption of amendment (353) to amendment (343):

Beginning on page 1, line 17 of the amendment, after "services." strike all material through page 5, line 31 of the amendment

Renumber the remaining parts and sections consecutively, correct internal references accordingly, and correct the title amendment.

Representatives Mielke, Orcutt, Schoesler, Cox and Boldt spoke in favor of the adoption of the amendment to the amendment.

Representatives Murray and Hudgins spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (353) to amendment (343) to Substitute House Bill No. 2231.

## **ROLL CALL**

The Clerk called the roll on the adoption of amendment (353) to amendment (343) to Substitute House Bill No. 2231, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 58, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 39.

Voting nay: Representatives Anderson, Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray,

O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 58.  
 Excused: Representative Delvin - 1.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on amendment (353) to SUBSTITUTE HOUSE BILL NO. 2231.  
 BRIAN E. BLAKE, 19<sup>th</sup> District

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on amendment (353) to SUBSTITUTE HOUSE BILL NO. 2231.  
 DAWN MORRELL, 25<sup>th</sup> District

Representative Ericksen moved the adoption of amendment (356) to amendment (343):

Beginning on page 1, line 19 of the amendment, strike all of section 201 and insert the following:

"Sec. 201. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
<u>12,000 lbs.</u>	<u>79.00</u>	<u>79.00</u>
\$	\$	\$
<u>14,000 lbs.</u>	<u>90.00</u>	<u>90.00</u>
\$	\$	\$
<u>16,000 lbs.</u>	<u>102.00</u>	<u>102.00</u>
\$	\$	\$
<u>18,000 lbs.</u>	<u>154.00</u>	<u>154.00</u>
\$	\$	\$
<u>20,000 lbs.</u>	<u>171.00</u>	<u>171.00</u>
\$	\$	\$
<u>22,000 lbs.</u>	<u>185.00</u>	<u>185.00</u>
\$	\$	\$
<u>24,000 lbs.</u>	<u>200.00</u>	<u>200.00</u>
\$	\$	\$
<u>26,000 lbs.</u>	<u>211.00</u>	<u>211.00</u>
\$	\$	\$
<u>28,000 lbs.</u>	<u>249.00</u>	<u>249.00</u>
\$	\$	\$

<u>30,000 lbs.</u>		<u>287.00</u>		<u>287.00</u>
	\$		\$	
<u>32,000 lbs.</u>		<u>346.00</u>		<u>346.00</u>
	\$		\$	
<u>34,000 lbs.</u>		<u>368.00</u>		<u>368.00</u>
	\$		\$	
<u>36,000 lbs.</u>		<u>399.00</u>		<u>399.00</u>
	\$		\$	
<u>38,000 lbs.</u>		<u>438.00</u>		<u>438.00</u>
	\$		\$	
<u>40,000 lbs.</u>		<u>501.00</u>		<u>501.00</u>
	\$		\$	
<u>42,000 lbs.</u>		<u>521.00</u>		<u>611.00</u>
	\$		\$	
<u>44,000 lbs.</u>		<u>532.00</u>		<u>622.00</u>
	\$		\$	
<u>46,000 lbs.</u>		<u>572.00</u>		<u>662.00</u>
	\$		\$	
<u>48,000 lbs.</u>		<u>596.00</u>		<u>686.00</u>
	\$		\$	
<u>50,000 lbs.</u>		<u>647.00</u>		<u>737.00</u>
	\$		\$	
<u>52,000 lbs.</u>		<u>680.00</u>		<u>770.00</u>
	\$		\$	
<u>54,000 lbs.</u>		<u>734.00</u>		<u>824.00</u>
	\$		\$	
<u>56,000 lbs.</u>		<u>775.00</u>		<u>865.00</u>
	\$		\$	
<u>58,000 lbs.</u>		<u>806.00</u>		<u>896.00</u>
	\$		\$	
<u>60,000 lbs.</u>		<u>859.00</u>		<u>949.00</u>
	\$		\$	
<u>62,000 lbs.</u>		<u>921.00</u>		<u>1,011.00</u>
	\$		\$	

<u>64,000 lbs.</u>	<u>941.00</u>	<u>1,031.00</u>
\$		\$
<u>66,000 lbs.</u>	<u>1,048.00</u>	<u>1,138.00</u>
\$		\$
<u>68,000 lbs.</u>	<u>1,093.00</u>	<u>1,183.00</u>
\$		\$
<u>70,000 lbs.</u>	<u>1,177.00</u>	<u>1,267.00</u>
\$		\$
<u>72,000 lbs.</u>	<u>1,259.00</u>	<u>1,349.00</u>
\$		\$
<u>74,000 lbs.</u>	<u>1,368.00</u>	<u>1,458.00</u>
\$		\$
<u>76,000 lbs.</u>	<u>1,478.00</u>	<u>1,568.00</u>
\$		\$
<u>78,000 lbs.</u>	<u>1,614.00</u>	<u>1,704.00</u>
\$		\$
<u>80,000 lbs.</u>	<u>1,742.00</u>	<u>1,832.00</u>
\$		\$
<u>82,000 lbs.</u>	<u>1,863.00</u>	<u>1,953.00</u>
\$		\$
<u>84,000 lbs.</u>	<u>1,983.00</u>	<u>2,073.00</u>
\$		\$
<u>86,000 lbs.</u>	<u>2,104.00</u>	<u>2,194.00</u>
\$		\$
<u>88,000 lbs.</u>	<u>2,225.00</u>	<u>2,315.00</u>
\$		\$
<u>90,000 lbs.</u>	<u>2,346.00</u>	<u>2,436.00</u>
\$		\$
<u>92,000 lbs.</u>	<u>2,466.00</u>	<u>2,556.00</u>
\$		\$
<u>94,000 lbs.</u>	<u>2,587.00</u>	<u>2,677.00</u>
\$		\$
<u>96,000 lbs.</u>	<u>2,708.00</u>	<u>2,798.00</u>
\$		\$

<u>98,000 lbs.</u>		<u>2,829.00</u>		<u>2,919.00</u>
	\$		\$	
<u>100,000 lbs.</u>		<u>2,949.00</u>		<u>3,039.00</u>
	\$		\$	
<u>102,000 lbs.</u>		<u>3,070.00</u>		<u>3,160.00</u>
	\$		\$	
<u>104,000 lbs.</u>		<u>3,191.00</u>		<u>3,281.00</u>
	\$		\$	
<u>105,500 lbs.</u>		<u>3,312.00</u>		<u>3,402.00</u>
	\$		\$	

<u>DECLARED GROSS WEIGHT</u>		<u>SCHEDULE C</u>		<u>SCHEDULE D</u>
4,000 lbs.	\$	37.00	\$	37.00
6,000 lbs.	\$	44.00	\$	44.00
8,000 lbs.	\$	55.00	\$	55.00
10,000 lbs.	\$	62.00	\$	62.00
12,000 lbs.	\$	72.00	\$	72.00
14,000 lbs.	\$	82.00	\$	82.00
16,000 lbs.	\$	92.00	\$	92.00
18,000 lbs.	\$	137.00	\$	137.00
20,000 lbs.	\$	152.00	\$	152.00
22,000 lbs.	\$	164.00	\$	164.00
24,000 lbs.	\$	177.00	\$	177.00

26,000 lbs.		187.00		187.00
	\$		\$	
28,000 lbs.		220.00		220.00
	\$		\$	
30,000 lbs.		253.00		253.00
	\$		\$	
32,000 lbs.		304.00		304.00
	\$		\$	
34,000 lbs.		323.00		323.00
	\$		\$	
36,000 lbs.		350.00		350.00
	\$		\$	
38,000 lbs.		384.00		384.00
	\$		\$	
40,000 lbs.		439.00		439.00
	\$		\$	
42,000 lbs.		456.00		546.00
	\$		\$	
44,000 lbs.		466.00		556.00
	\$		\$	
46,000 lbs.		501.00		591.00
	\$		\$	
48,000 lbs.		522.00		612.00
	\$		\$	
50,000 lbs.		566.00		656.00
	\$		\$	
52,000 lbs.		595.00		685.00
	\$		\$	
54,000 lbs.		642.00		732.00
	\$		\$	
56,000 lbs.		677.00		767.00
	\$		\$	
58,000 lbs.		704.00		794.00
	\$		\$	



60,000 lbs.	750.00	840.00
	\$	\$
62,000 lbs.	804.00	894.00
	\$	\$
64,000 lbs.	822.00	912.00
	\$	\$
66,000 lbs.	915.00	1,005.00
	\$	\$
68,000 lbs.	954.00	1,044.00
	\$	\$
70,000 lbs.	1,027.00	1,117.00
	\$	\$
72,000 lbs.	1,098.00	1,188.00
	\$	\$
74,000 lbs.	1,193.00	1,283.00
	\$	\$
76,000 lbs.	1,289.00	1,379.00
	\$	\$
78,000 lbs.	1,407.00	1,497.00
	\$	\$
80,000 lbs.	1,518.00	1,608.00
	\$	\$
82,000 lbs.	1,623.00	1,713.00
	\$	\$
84,000 lbs.	1,728.00	1,818.00
	\$	\$
86,000 lbs.	1,833.00	1,923.00
	\$	\$
88,000 lbs.	1,938.00	2,028.00
	\$	\$
90,000 lbs.	2,043.00	2,133.00
	\$	\$
92,000 lbs.	2,148.00	2,238.00
	\$	\$

94,000 lbs.	\$	2,253.00	\$	2,343.00
96,000 lbs.	\$	2,358.00	\$	2,448.00
98,000 lbs.	\$	2,463.00	\$	2,553.00
100,000 lbs.	\$	2,568.00	\$	2,658.00
102,000 lbs.	\$	2,673.00	\$	2,763.00
104,000 lbs.	\$	2,778.00	\$	2,868.00
105,500 lbs.	\$	2,883.00	\$	2,973.00

(a) Except as provided in (b) of this subsection, schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Except as provided in (b) of this subsection, schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(b) Schedule C applies to vehicles that do not tow trailers and haul agricultural products. Schedule D applies to vehicles that tow trailers and haul agricultural products.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (4) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035."

Representative Ericksen spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Mielke moved the adoption of amendment (354) to amendment (343):

Beginning on page 5, line 32 of the amendment, strike all material through page 7, line 4 of the amendment

Renumber the remaining parts and sections consecutively, correct internal references accordingly, and correct the title amendment.

Representatives Mielke and Ericksen spoke in favor of the adoption of the amendment to the amendment.

Representatives Murray and Romero spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (354) to amendment (343) to Substitute House Bill No. 2231.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (354) to amendment (343) to Substitute House Bill No. 2231, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Haigh, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 44.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Excused: Representative Delvin - 1.

Representative Nixon moved the adoption of amendment (348) to amendment (343):

On page 7, after line 22 of the amendment, insert the following:

"(e) The taxes imposed in this subsection (2) do not apply to biodiesel and other similar alternative fuels."

Representative Nixon spoke in favor of the adoption of the amendment to the amendment.

Representative Morris spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Mielke moved the adoption of amendment (355) to amendment (343):

Beginning on page 16, line 18 of the amendment, strike all material through page 18, line 6 of the amendment

Renumber the remaining parts and sections consecutively, correct internal references accordingly, and correct the title amendment.

Representatives Mielke, Shabro, Ericksen and Mielke (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Clibborn, Schual-Berke, Sullivan and Murray spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (355) to (343) to Substitute House Bill No. 2231.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (355) to amendment (343) to Substitute House Bill No. 2231, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 54, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 43.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representative Delvin - 1.

Representative Hankins moved the adoption of amendment (349) to amendment (343):

On page 23 of the amendment, after line 10, insert the following:

#### "PART VII - TIRE RECYCLING

**Sec. 701.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read as follows:

(1) There is levied a ~~((one dollar))~~ seventy-five cents per tire fee on the retail sale of new replacement vehicle tires for a period of five years, beginning ~~((October 1, 1989))~~ on the effective date of this act. The fee imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller, less the ten percent amount retained by the seller as provided in ~~((RCW 70.95.535))~~ subsection (4) of this section, shall be paid to the department of revenue in accordance with RCW 82.32.045, and the proceeds remaining after the deposit required by subsection (3) of this section, must be deposited into the vehicle tire recycling account created under section 702 of this act. All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(2) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and used tires available for resale, but does not include retreaded vehicle tires.

(3) Of the seventy-five cent fee imposed in subsection (1) of this section, twenty-five cents must be deposited into the motor vehicle account and must be used by the department of transportation for road maintenance, which may incorporate the use of material derived from scrap tires.

(4) Every person engaged in making retail sales of new replacement vehicle tires in this state shall retain ten percent of the collected seventy-five cent fee imposed in subsection (1) of this section. The moneys retained may be used for costs associated with the proper management of the waste vehicle tires by the retailer.

**NEW SECTION. Sec. 702.** A new section is added to chapter 70.95 RCW to read as follows:

(1) The vehicle tire recycling account is created within the state treasury. After the deposit of funds into the motor vehicle account as provided for in RCW 70.95.510(3), the remaining funds received under RCW 70.95.510(1) must be deposited in the vehicle tire recycling account and used by the department for purposes including but not limited to those specified in RCW 70.95.535. Expenditures from the account may occur only after appropriation by the legislature. The department of revenue shall deduct two percent from the funds collected under RCW 70.95.510 for the purpose of administering and collecting the fee from new replacement tire retailers.

(2) Moneys in the vehicle tire recycling account may be appropriated to the department for the purposes identified in RCW 70.95.535.

(3) To provide increased accountability, by January 1st of each year, the department shall submit a report to the legislature outlining how the revenues deposited into the vehicle tire recycling account were used

over the previous twelve-month period. The report must include, but is not limited to, identifying the local jurisdictions that received grant funding, the location and description of any illegal tire piles cleaned up, a description of any scrap tire demonstration projects funded, and the status of the statewide tire carrier tracking system.

**Sec. 703.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read as follows:

~~(1) ((Every person engaged in making retail sales of new replacement vehicle tires in this state shall retain ten percent of the collected one dollar fee. The moneys retained may be used for costs associated with the proper management of the waste vehicle tires by the retailer.~~

~~(2)) The department of ecology ((will)) may administer the funds contained in the vehicle tire recycling account for ((the)) purposes ((specified in RCW 70.95.020(5))) including, but not limited to:~~

~~(a) ((Making grants to local governments for pilot demonstration projects for on-site shredding and recycling of tires from unauthorized dump sites;~~

~~(b)) Grants to local government for enforcement programs;~~

~~((c)) (b) Implementation of a public information and education program to include posters, signs, and informational materials to be distributed to retail tire sales and tire service outlets;~~

~~((d)) (c) Product marketing studies for recycled tires and alternatives to land disposal;~~

~~(d) Scrap tire demonstration projects including those implemented by state agencies;~~

~~(e) Except as provided in subsection (2) of this section, statewide unlawful tire pile cleanups and local citizen scrap tire amnesty events;~~

~~(f) Statewide tire carrier tracking, reporting, and enforcement of the movement of tires within this state;~~

~~(g) Except as provided in subsection (2) of this section, to provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites;~~

~~(h) To accomplish the other purposes of RCW 70.95.020(6).~~

~~(2) Prior to spending funds from the vehicle tire recycling account for the removal or cleanup of unlawfully disposed tires, the department must ensure that all legal remedies and cost recovery efforts available against the owner of the unlawfully disposed tires, or the property on which the unlawful tire piles are located, have been exhausted. The department should assist local jurisdictions, where appropriate, with enforcement actions against individuals unlawfully disposing of tires.~~

~~(3)(a) Local governments that are recipients of grant funding for enforcement programs must submit an annual report to the department for each year the grant funding is expended, detailing the uses of the funds and including information on what enforcement activities were supported with the grant funds.~~

~~(b) Local governments that are recipients of grant funding for illegal tire pile cleanups shall submit an annual report to the department for each year the grant funding is expended. The report must, at a minimum, identify the owners of the tire piles, the locations of the tire piles cleaned up, how many tires were removed, where and how the tires were disposed, and why cost recovery could not be obtained from the owners of the tire piles. The department shall forward this information to the legislature on an annual basis.~~

~~(4) In spending funds in the account under this section, the department shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.~~

~~(5) It is the intent of the legislature that in spending funds from the vehicle tire recycling account, the department will not implement a program or otherwise spend funds that competes with private businesses that engage in tire recycling.~~

**NEW SECTION. Sec. 704.** (1) The department of ecology shall implement an educational campaign for a period of one year, beginning no later than twelve months following the effective date of this act, to inform and educate local jurisdictions and the various vehicle tire industries who sell, dispose of, and recycle vehicle tires, on the current laws related to vehicle tire disposal and recycling, and the current vehicle tire recycling program administered by the department.

(2) By September 1, 2003, the department shall submit a report to the legislature on illegal tire piles located in the state. At a minimum, the report must include information identifying every known illegal tire pile in the state, the city and county where each illegal tire pile is located, the estimated number of tires in each illegal tire pile, and the expected cost associated with cleaning up each illegal tire pile.

(3) Moneys from the vehicle tire recycling account may be used to fund this section.

(4) This section expires December 31, 2005.

**NEW SECTION. Sec. 705.** RCW 70.95.530 (Vehicle tire recycling account--Use) and 1988 c 250 s 1 & 1985 c 345 s 7 are each repealed."

Renumber the part and sections following consecutively and correct the title amendment.

Representatives Hankins, Simpson and Haigh spoke in favor of the adoption of the amendment to the amendment.

Representatives Carrell and Mielke spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (343) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Romero, Cooper, Clibborn, Rockefeller, Flannigan and Morris spoke in favor of passage of the bill.

Representatives Ericksen, Clements, Holmquist, Woods, Benson, Armstrong and Schindler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2231.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2231 and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Moeller, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Excused: Representative Delvin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231.

BRIAN BLAKE, 17<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231.

DAWN MORRELL, 25<sup>th</sup> District

### **POINT OF PERSONAL PRIVILEGE**

Representative Murray requested Transportation Committee staff be admitted to the floor and thanked them for their hard work in preparing the transportation budget and revenue bills. He requested that the Chamber acknowledge the staff's dedication.

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

There being no objection, the House adjourned until 10:00 a.m., April 9, 2003, the 87<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY SIXTH DAY, APRIL 8, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTY SEVENTH DAY**

---

House Chamber, Olympia, Wednesday, April 9, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zak Padayao and Erin Ray. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dana McClendon, Greater New Bethyl Missionary Baptist Church, Seattle.

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

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4652, By Representatives Linville and Ericksen

WHEREAS, The Nooksack Valley Pioneers boys basketball team captured a sensational 56-54 victory to bring home the championship trophy from the recent Washington State 2A tournament; and

WHEREAS, Responding with remarkable composure, the Nooksack Valley team traversed the pressure-cooker competition in Yakima and put the finishing touches on yet another storied Pioneer basketball campaign; and

WHEREAS, Led by their highly respected head coach, Bill Kelly, the Nooksack Valley Pioneers triumphed in a state title contest witnessed by almost 5,000 screaming, screeching, stomping, stamping fans; and

WHEREAS, Assistant coach Scott Nunamaker, Junior Varsity coach TJ Ackerman, and C Team coach Bryan Silves helped engineer a sterling 2002-2003 boys basketball season at Nooksack Valley High School; and

WHEREAS, One newspaper editorialized of the Nooksack Valley conquest in the title that it was "a contest won with sportsmanship, teamwork, and hard work"; and

WHEREAS, The Pioneers all season long deployed a hustling and opportunistic defense in their march to the March 15 state championship victory; and

WHEREAS, Unselfishness at both ends of the court and a fantastic *esprit de corps* throughout the roster made this year's edition of the Nooksack Valley Pioneers a foe to fear for teams all across the Evergreen State; and

WHEREAS, Team members Jason Heutink, Ty Willemsen, Kyle Boon, Kyle Vermeulen, Trent Willemsen, Scott Venn, Phil Silves, Tyler Weirauch, Darin Vinkes, Tim Wells, Ben VanDyken, and Kyle Mitchell and managers Liz Lorette and Kristen Geleynse brought honor and acclaim to Nooksack Valley High School and to the entire Nooksack Valley and Whatcom County community; and

WHEREAS, A large contingent of enthusiastic Nooksack Valley boosters traveled from Northwest Washington to support their basketball sensations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington exalt and acclaim the Nooksack Valley Pioneers for their incredible boys basketball season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the boys basketball coaching staff and the administration at Nooksack Valley High School.

House Resolution No. 4652 was adopted.

HOUSE RESOLUTION NO. 2003-4653, By Representatives DeBolt and Alexander

WHEREAS, Lucy Shriver studied with the San Francisco Ballet Company and was a professional dancer; and

WHEREAS, Lucy Shriver and her husband, David, who is a professional musician, have been married 38 years and have four sons, Jason, Gabe, Ethan, and Zakk; and

WHEREAS, Lucy Shriver and her family moved from Malibu, California, to Mossyrock, Washington, where they live on a farm, own a bicycle shop in Chehalis, and are very well known throughout the local communities; and

WHEREAS, Lucy Shriver has taught at the Southwest Washington Dance Center for the past eleven years and has been its artistic director for four years teaching creative movement to children, along with tap and ballet; and

WHEREAS, Lucy Shriver is the primary mover and shaker for the Dance Center's annual performance of the Nutcracker, where she first got involved when she introduced new choreography and got young men involved in the production with the result that the program has grown immensely over the years; and

WHEREAS, Lucy Shriver frequently worked six days a week at the Dance Center without getting paid for all the hours she put in, always going the extra mile and giving the extra smile;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington applaud the outstanding effort, hard work, and commitment put forth by Lucy Shriver as a leader in the small business and arts communities and as a frontline promoter of both, doing her best to make them thrive throughout the rural areas and small communities of Southwest Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Lucy Shriver.

House Resolution No. 4653 was adopted.

HOUSE RESOLUTION NO. 2003-4654, By Representatives Hinkle, Hunter, McCoy, Blake, Delvin, Orcutt, Morris, Buck, Clibborn, Hatfield, Clements, Bush, Ahern, Tom, Cairnes, McDonald, Rockefeller, Mastin, Mielke, McMahan, Schoesler, Boldt, Woods, Holmquist, O'Brien, McDermott, Sehlin, Benson, Cox, Skinner, Pearson, Anderson, Upthegrove, Quall, Chase, Lantz, Armstrong, Kristiansen, Alexander, Sump, Kirby, Carrell, Pettigrew and Cooper

WHEREAS, The Governor has declared Wednesday, April 9th to be "Former Prisoner of War Recognition Day"; and



WHEREAS, Americans have fought in many wars over the years and thousands have been captured by hostile forces in their efforts to defend our independence, our freedoms, our constitutional republic, our way of life, and our families and friends; and

WHEREAS, American prisoners have frequently endured great pain, suffering, and humiliation at the hands of their captors; and

WHEREAS, Thousands of our military personnel currently find themselves in harms way as part of Operation Iraqi Freedom; and

WHEREAS, Several members of the United States Armed Forces participating in Operation Iraqi Freedom have been captured and are being held by enemy forces in Iraq; and

WHEREAS, Elements of the 507th Maintenance Company of the United States Army were ambushed near Nasariya, Iraq on March 23, 2003; and

WHEREAS, These elements fought heroically before being overwhelmed by Iraq's forces; and

WHEREAS, Fifteen members of the 507th Maintenance Company were captured, wounded, or killed in the ambush; and

WHEREAS, Certain Iraqi citizens of good heart put their personal safety at risk by providing Coalition forces with information as to the whereabouts of company members; and

WHEREAS, United States Army, Air Force, Navy, and Marine personnel bravely rescued Pfc. Jessica Lynch and recovered the bodies of her fellow soldiers; and

WHEREAS, The families and friends of current and former prisoners of war also suffer because of the imprisonment of their loved ones; and

WHEREAS, We must ensure that our prisoners of war receive the necessary and appropriate care and treatment they are entitled to as a result of their confinement;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington extend its heartfelt sympathies to the families and friends of those who are or have been either prisoners of war, killed in action, or missing in action; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington honor former prisoner of war, Pfc. Jessica Lynch, for her fierce bravery under fire and her firm determination in captivity, and for all former prisoners of war who have once again received their freedom; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington extend its sincere gratitude for the service and sacrifice made by those participating in Operation Iraqi Freedom and specifically to the members of our Armed Forces who participated in the daring rescue of Pfc. Jessica Lynch; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington pray for a speedy and successful end to these hostilities and the safe and speedy return of our troops; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington encourage all citizens to join in the special observance of "Former Prisoner of War Recognition Day" on Wednesday, April 9th and to remain vigilant in their thoughts and prayers for the safe return of those currently being held as prisoners of war.

House Resolution No. 4654 was adopted.

## **INTRODUCTION & FIRST READING**

HB 2242 by Representative Dunshee

AN ACT Relating to the statutory definition of general state revenues; and amending RCW 39.42.070.

Referred to Committee on Capital Budget.

HB 2243 by Representative Dunshee

AN ACT Relating to authorization for higher education institutions to issue local bonds for capital purposes; and amending RCW 28B.50.340, 28B.50.350, 28B.50.370, 28B.20.710,

28B.20.715, 28B.20.720, 28B.30.720, 28B.30.730, 28B.30.740, 28B.35.720, 28B.35.730, and 28B.35.750.

Referred to Committee on Capital Budget.

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

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

## **SECOND READING**

**SENATE BILL NO. 5011, by Senators Jacobsen, Winsley and Kohl-Welles**

**Promoting wildlife viewing.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Fisheries, Ecology and Parks was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

## **MOTIONS**

On motion of Representative Newhouse, Representatives Chandler and Sehlin were excused. On motion of Representative Santos, Representatives Conway, Edwards, Fromhold, Quall and Wood were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5011, as amended by the House.

## **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5011, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Quall, Sehlin and Wood - 6.

SENATE BILL NO. 5011, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5042, by Senators T. Sheldon, Morton and Fraser; by request of Commissioner of Public Lands**

**Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5042, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5042, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Quall, Sehlin and Wood - 6.

SENATE BILL NO. 5042, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5076, by Senators Morton, Fraser, T. Sheldon and Doumit; by request of Commissioner of Public Lands**

**Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5076.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5076 and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 90.

Voting nay: Representatives Chase and Hunt - 2.

Excused: Representatives Conway, Edwards, Fromhold, Quall, Sehlin and Wood - 6.

SENATE BILL NO. 5076, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5088, by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Regala, Winsley, Franklin and Fraser)**

**Recognizing that the use of certain land in Tacoma, for school purposes, is valid and meets the requirements of section 2, chapter 123, Laws of 1907.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5088.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5088 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Quall, Sehlin and Wood - 6.

SUBSTITUTE SENATE BILL NO. 5088, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5117, by Senate Committee on Highways & Transportation (originally sponsored by Senators Eide and Kohl-Welles)**

**Regulating the sale, distribution, and installation of air bags.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Ericksen spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Linville was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5117.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5117 and the bill passed the House by the following vote: Yeas - 87, Nays - 4, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 87.

Voting nay: Representatives Anderson, Armstrong, Condotta and Hinkle - 4.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Quall, Sehlin and Wood - 7.

SUBSTITUTE SENATE BILL NO. 5117, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5120, by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn)**

#### **Changing provisions relating to ignition interlock devices.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives McMahan and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5120, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5120, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 91.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Quall, Sehlin and Wood - 7.

SUBSTITUTE SENATE BILL NO. 5120, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn, B. Sheldon, Zarelli, Poulsen, Jacobsen, Mulliken, Hargrove, Roach, Rossi, Stevens, T. Sheldon and West)**

**Separating training for two and three-wheeled motorcycles.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5229.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5229 and the bill passed the House by the following vote: Yeas - 73, Nays - 18, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Blake, Buck, Bush, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Cooper, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Cairnes, Condotta, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, McMorris, Newhouse, Roach, Schindler, Schoesler and Sump - 18.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Quall, Sehlin and Wood - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5266, by Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser**

**Concerning the commercial harvest of geoduck clams.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Fisheries, Ecology & Parks was adopted. (For committee amendment, see Journal, 81<sup>st</sup> Day, April 3, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5266, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5266, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Sehlin and Wood - 6.

SENATE BILL NO. 5266, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5273, by Senators Roach, Winsley, Kastama, Shin, Franklin, Rasmussen, Oke, Swecker, Schmidt, Reardon, West and McCaslin**

**Extending the use of veterans' scoring criteria in employment examinations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5273.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5273 and the bill passed the House by the following vote: Yeas - 86, Nays - 6, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 86.

Voting nay: Representatives Chase, Darneille, Dickerson, Flannigan, Hunt and Moeller - 6.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Sehlin and Wood - 6.

SENATE BILL NO. 5273, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5374, by Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley; by request of Secretary of State**

**Administering funds received under the Help America Vote Act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5374.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5374 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Sehlin and Wood - 6.

ENGROSSED SENATE BILL NO. 5374, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5473, by Senate Committee on Judiciary (originally sponsored by Senators Regala, B. Sheldon, Johnson, Kohl-Welles, Winsley and Rasmussen)**

**Requiring the criminal justice training commission to train officers on interacting with persons with a developmental disability or mental illness.**

The bill was read the second time.

Representative Darneille moved the adoption of amendment (363):

On page 1, line 17, after "training" strike "should employ the use of electronic instruction, and shall emphasize nonclassroom availability of the offerings when appropriate. The training" and insert "must consist of classroom instruction or internet instruction and"



Representatives Darneille and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives O'Brien, Mielke and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5473, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Edwards, Fromhold, Linville, Sehlin and Wood - 6.

SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

**SUBSTITUTE SENATE BILL NO. 5474, by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Regala, Stevens, McAuliffe, Carlson, Kohl-Welles, Winsley and Rasmussen)**

**Creating a kinship caregiver's authorization affidavit.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pettigrew and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5474, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5474, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5474, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5505, by Senate Committee on Education (originally sponsored by Senators Carlson, Rasmussen, Honeyford, Doumit and Eide)**

**Providing course study options for public high schools.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mastin spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5505.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5505 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5505, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5653, by Senators Sheahan and Brown**

**Expanding "residency" for purposes of attending Washington public schools.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cox and Quall spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5653, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5653, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SENATE BILL NO. 5653, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5719, by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Prentice, Benton, Finkbeiner and Shin)**

**Penalizing the fraudulent use of credit card scanning devices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5719.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5719 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5719, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5761, by Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon and Shin)**

**Modifying requirements for industrial projects of statewide significance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Eickmeyer spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5761.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5761 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5761, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5937, by Senators Parlette, Jacobsen, Haugen, Sheahan and Shin**

**Adding to the scenic and recreational highway system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5937.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5937 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SENATE BILL NO. 5937, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5938, by Senators Finkbeiner and Esser**

#### **Updating financial responsibility laws for vessels.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5938.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5938 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

ENGROSSED SENATE BILL NO. 5938, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5966, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Winsley)**

**Increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pflug spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5966.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5966 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5966, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5989, by Senators Haugen, Horn and Jacobsen**

**Representing pilots on the board of pilotage commissioners.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5989.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5989 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,

Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SENATE BILL NO. 5989, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8000, by Senators Fraser, Morton, Hewitt, Keiser and Hale**

**Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity.**

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Telecommunications & Energy was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial as amended by the House, was placed on final passage.

Representative Ruderman spoke in favor of passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8000, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8000, as amended by the House, and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SENATE JOINT MEMORIAL NO. 8000, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8008, by Senators Rasmussen, Swecker, Roach, Shin, Kastama, Franklin, Winsley, Schmidt, Oke, Eide and Kohl-Welles; by request of Joint Select Committee on Veterans' and Military Affairs**

**Requesting that veterans receive concurrent retirement and disability payments.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8008.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8008 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SENATE JOINT MEMORIAL NO. 8008, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, by Senate Committee on Education (originally sponsored by Senators Carlson, Eide, Schmidt, Johnson, B. Sheldon, Shin, Kohl-Welles, Rasmussen and Esser)**

**Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Tom spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5142.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5142 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin,



Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 94.

Voting nay: Representatives Hatfield and Mastin - 2.

Excused: Representatives Edwards and Wood - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5240, by Senate Committee on Education (originally sponsored by Senators Zarelli, McAuliffe, Schmidt, Eide, Benton, Carlson, Keiser, Mulliken, Kohl-Welles, Stevens, Winsley, Hale, Roach and Poulsen)**

**Including a classified employee on the Washington professional educator standards board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5240.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5240 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5240, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5358, by Senate Committee on Education (originally sponsored by Senators West, Shin, Sheahan, Honeyford, Hewitt, Roach, Finkbeiner, Hale, Kline, McAuliffe, Winsley, Mulliken, Rasmussen and Schmidt)**

**Authorizing issuance of high school diplomas to veterans of the Korean conflict who were honorably discharged and left high school before graduation to serve in the Korean conflict.**

The bill was read the second time.

Representative Hatfield moved the adoption of the following amendment (333):

On page 2, after line 15, insert the following:

"NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Hatfield and Talcott spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5358, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5358, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Wood - 2.

SUBSTITUTE SENATE BILL NO. 5358, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1195,  
SUBSTITUTE HOUSE BILL NO. 1271,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1416,  
SUBSTITUTE HOUSE BILL NO. 1445,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,  
SUBSTITUTE HOUSE BILL NO. 1759,  
SUBSTITUTE HOUSE BILL NO. 1930,

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

There being no objection, the House adjourned until 10:00 a.m., April 10, 2003, the 88<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY SEVENTH DAY, APRIL 9, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**EIGHTY EIGHT DAY**

---

House Chamber, Olympia, Thursday, April 10, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jonathan Stewart and Kristine Beetham. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Don Wesel, The Church of Jesus Christ of Latter-Day Saints, Olympia.

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

**MESSAGES FROM THE SENATE**

April 9, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5240,  
SUBSTITUTE SENATE BILL NO. 5505,  
SUBSTITUTE SENATE BILL NO. 5719,  
SUBSTITUTE SENATE BILL NO. 5761,  
SENATE BILL NO. 5937,  
ENGROSSED SENATE BILL NO. 5938,  
SUBSTITUTE SENATE BILL NO. 5966,  
SENATE BILL NO. 5989,  
SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1241,

HOUSE BILL NO. 1318,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,  
HOUSE BILL NO. 1566,  
HOUSE BILL NO. 1591,  
HOUSE BILL NO. 1637,  
ENGROSSED HOUSE BILL NO. 1808,  
ENGROSSED HOUSE BILL NO. 2064,  
SENATE BILL NO. 5363,  
SENATE BILL NO. 5725,  
SUBSTITUTE SENATE BILL NO. 6054,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1346, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5076,  
SUBSTITUTE SENATE BILL NO. 5088,  
SUBSTITUTE SENATE BILL NO. 5117,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,  
SENATE BILL NO. 5273,  
ENGROSSED SENATE BILL NO. 5374,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1195,  
SUBSTITUTE HOUSE BILL NO. 1271,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1416,  
SUBSTITUTE HOUSE BILL NO. 1445,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,  
SUBSTITUTE HOUSE BILL NO. 1759,  
SUBSTITUTE HOUSE BILL NO. 1930,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1110,  
HOUSE BILL NO. 1460,  
HOUSE BILL NO. 1531,

and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1722,

Milt H. Doumit, Secretary

April 9, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1045,  
SUBSTITUTE HOUSE BILL NO. 1086,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,  
HOUSE BILL NO. 1348,  
HOUSE BILL NO. 1631,  
SUBSTITUTE HOUSE BILL NO. 1848,  
SUBSTITUTE HOUSE BILL NO. 2039,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### SECOND READING

With the consent of the House, Senate Bill No. 5176 was returned to the Committee on Rules.

**SUBSTITUTE SENATE BILL NO. 5006, By Senate Committee on Natural Resources,  
Energy & Water (originally sponsored by Senators Jacobsen and Haugen)**

**Allowing nonconsumptive wildlife activities on public lands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

### MOTION

On motion of Representative Santos, Representatives Edwards, Kenney and Wood were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5006.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5006 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest,

Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards Kenney, and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5006, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5014, By Senator Honeyford**

**Authorizing a new subaccount in the public works assistance account.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For committee amendment, see Journal, 78<sup>th</sup> Day, March 31, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Alexander and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5014, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5014, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards Kenney, and Wood - 3.

ENGROSSED SENATE BILL NO. 5014, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5049, By Senators Roach, Eide, Winsley, Franklin, Rasmussen, Stevens, Schmidt, Haugen, Parlette, Carlson, Esser and Sheahan**

**Designating veterans' history awareness month.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5049.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5049 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5049, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5062, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Doumit, Oke, Jacobsen, Winsley, Rasmussen and Kohl-Welles)**

**Creating the Puget Sound recreational fisheries enhancement oversight committee.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5062.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5062 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5062, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5074, By Senate Committee on Ways & Means (originally sponsored by Senators Morton, Oke, Doumit, T. Sheldon, Fraser and Rasmussen; by request of Commissioner of Public Lands)**

**Establishing contract harvesting of timber on state trust lands.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5074.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5074 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5074, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5133, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen)**

**Adopting the revised interstate compact for juveniles.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice & Family Law was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Dickerson and Delvin spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5133, as amended by the House.



## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5133, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 85.

Voting nay: Representatives Boldt, Carrell, Crouse, McMahan, Mielke, Orcutt, Roach, Schindler, Sump, and Talcott - 10.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5133, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5204, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, T. Sheldon, Jacobsen, Swecker, Kohl-Welles and Esser; by request of Department of Fish and Wildlife)**

### **Providing opportunities for wildlife viewing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5204.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5204 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Benson, DeBolt and Pflug - 4.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5204, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5211, By Senators Kohl-Welles, Winsley, Fairley, Prentice, Benton and Keiser**

**Clarifying that certain entities are not collection agencies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5211.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5211 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5211, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5218, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Schmidt, Fairley, Stevens, Reardon, Horn, Benton, Keiser, Johnson, Kohl-Welles, Kline and Esser; by request of Secretary of State)**

**Requiring timely mailing of ballots.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5218, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5218, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5218, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5226, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hale, Deccio, Thibaudeau, Keiser, Oke and Franklin)**

**Concerning optometric care and practice.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Pflug spoke in favor of passage of the bill.

**COLLOQUY**

Representative Pflug: "Representative Kessler, is it the intent of the definition of "ophthalmic surgery" in Section 1, Subsection 8 of this bill to limit or reduce the current procedures or scope of practice of optometrists in Washington State?"

Representative Kessler: "No. It is not the intent of any part of this bill to in any way limit or reduce the current procedures or scope of practice of optometry in this state."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5226.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5226 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5226, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 10, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1550,  
SUBSTITUTE HOUSE BILL NO. 1738,  
ENGROSSED HOUSE BILL NO. 2030,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1526, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5090,  
SENATE BILL NO. 5096,  
SENATE BILL NO. 5100,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5123,  
SUBSTITUTE SENATE BILL NO. 5165,  
SENATE BILL NO. 5167,  
SENATE BILL NO. 5172,  
SENATE BILL NO. 5224,  
SENATE BILL NO. 5244,  
SUBSTITUTE SENATE BILL NO. 5251,  
SUBSTITUTE SENATE BILL NO. 5265,  
SUBSTITUTE SENATE BILL NO. 5290,  
SUBSTITUTE SENATE BILL NO. 5321,  
SUBSTITUTE SENATE BILL NO. 5550,  
ENGROSSED SENATE BILL NO. 5560,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5574,  
SENATE BILL NO. 5758,  
SENATE BILL NO. 5994,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6051, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5305, By Senate Committee on Land Use & Planning  
(originally sponsored by Senators Mulliken, T. Sheldon, Sheahan, Reardon and Esser)**

**Reviewing the state's need for construction aggregates.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 87<sup>th</sup> Day, April 9, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5305, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5410, By Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin**

**Revising information available on the statewide registered sex offender web site.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 87<sup>th</sup> Day, April 9, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5410, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5410, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenne, and Wood - 3.

SENATE BILL NO. 5410, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5425, By Senators Winsley, Prentice, Benton, Kohl-Welles, Carlson, B. Sheldon, Brown, Schmidt, Rossi, West and Sheahan; by request of Lieutenant Governor**

**Increasing the authorized total outstanding indebtedness of the higher education facilities authority.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5425.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5425 and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Boldt, Bush, Condotta, Cox, Crouse, Mastin, McMahan, Mielke and Schoesler - 10.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5425, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5429, By Senators Mulliken, Prentice and Horn; by request of Department of Licensing**

**Authorizing the Performance Registration Information Systems Management Program (PRISM).**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5429.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5429 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5429, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5452, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley, Benton, Prentice, Keiser and Reardon; by request of Governor Locke)**

**Regulating check cashers and sellers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5452.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5452 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5452, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5477, By Senators Shin, Winsley and Schmidt**

**Requiring the delivery of endorsements by recording officers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For committee amendment, see Journal, 87<sup>th</sup> Day, April 9, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5477, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5477, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5477, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5507, By Senators T. Sheldon and Mulliken**

**Clarifying who has standing regarding growth management hearings board hearings.**



The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For committee amendment, see Journal, 89<sup>th</sup> Day, April 9, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5507, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5507, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5507, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5561, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senator Prentice)**

#### **Concerning restrictions on assignments under UCC Article 9A.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Benson and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5561.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5561 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5561, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5596, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley)**

**Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice & Family Law was adopted. (For committee amendment, see Journal, 87<sup>th</sup> Day, April 9, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pettigrew and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5596, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5596, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SUBSTITUTE SENATE BILL NO. 5596, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5651, By Senators Hargrove, Mulliken and T. Sheldon**

**Authorizing land banks in certain counties with low population densities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5651.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5651 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Kenney and Wood - 3.

SENATE BILL NO. 5651, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE BILL NO. 1045,  
SUBSTITUTE HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1110,  
SECOND SUBSTITUTE HOUSE BILL NO. 1241,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,  
HOUSE BILL NO. 1318,  
SUBSTITUTE HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1348,  
HOUSE BILL NO. 1460,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,  
HOUSE BILL NO. 1526,  
HOUSE BILL NO. 1531,  
SUBSTITUTE HOUSE BILL NO. 1550,  
HOUSE BILL NO. 1566,  
HOUSE BILL NO. 1591,  
HOUSE BILL NO. 1631,  
HOUSE BILL NO. 1637,  
SUBSTITUTE HOUSE BILL NO. 1722,  
SUBSTITUTE HOUSE BILL NO. 1738,  
ENGROSSED HOUSE BILL NO. 1808,  
SUBSTITUTE HOUSE BILL NO. 1848,  
ENGROSSED HOUSE BILL NO. 2030,  
SUBSTITUTE HOUSE BILL NO. 2039,

ENGROSSED HOUSE BILL NO. 2064,  
SENATE BILL NO. 5076,  
SUBSTITUTE SENATE BILL NO. 5088,  
SENATE BILL NO. 5090,  
SENATE BILL NO. 5096,  
SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5117,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5123,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5165,  
SENATE BILL NO. 5167,  
SENATE BILL NO. 5172,  
SENATE BILL NO. 5224,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,  
SUBSTITUTE SENATE BILL NO. 5240,  
SENATE BILL NO. 5244,  
SUBSTITUTE SENATE BILL NO. 5251,  
SUBSTITUTE SENATE BILL NO. 5265,  
SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5290,  
SUBSTITUTE SENATE BILL NO. 5321,  
ENGROSSED SENATE BILL NO. 5374,  
SUBSTITUTE SENATE BILL NO. 5505,  
SUBSTITUTE SENATE BILL NO. 5550,  
ENGROSSED SENATE BILL NO. 5560,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5574,  
SUBSTITUTE SENATE BILL NO. 5719,  
SENATE BILL NO. 5758,  
SUBSTITUTE SENATE BILL NO. 5761,  
SENATE BILL NO. 5937,  
ENGROSSED SENATE BILL NO. 5938,  
SUBSTITUTE SENATE BILL NO. 5966,  
SENATE BILL NO. 5989,  
SENATE BILL NO. 5994,  
SENATE JOINT MEMORIAL NO. 8008,

The Speaker called upon Representative Lovick to preside.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5105, By Senate Committee on Education (originally sponsored by Senators Fraser, B. Sheldon, Carlson, McAuliffe and Kohl-Welles)**

**Ensuring the quality and availability of educational interpreters.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

Representative Santos moved the adoption of amendment (364):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is currently no requirement for educational interpreters for deaf and hard of hearing students to be certified or to meet standardized qualifications or competencies.

NEW SECTION. Sec. 2. By November 30, 2004, the office of the superintendent of public instruction, in consultation with educators, parents, organizations representing special education, organizations representing educational interpreters and the interests of deaf and hearing impaired children, and other interested parties, shall conduct a comprehensive review and analysis of the qualifications and competencies required of educational interpreters who assist deaf and hearing impaired students. The review shall include an analysis of all state and federal requirements for meeting the educational needs of deaf and hearing impaired students, including the requirement to provide educational interpreters, and shall identify all funding sources available to pay for those educational needs. The office shall make recommendations to the governor, appropriate legislative committees, and the state board of education on the following options:

(1) Requiring that all educational interpreters for deaf students and hard of hearing students meet national registry standards;

(2) Requiring the state board of education or the office of the superintendent of public instruction, as appropriate, to establish competencies for educational interpreters;

(3) Identifying state and national training programs that could prepare educational interpreters to meet and maintain any standards or competencies necessary to serve deaf and hearing impaired students;

(4) Studying the feasibility of using distance learning options as a way to both maintain the quality and increase the availability of educational interpreters;

(5) Requiring the office of the superintendent of public instruction, in cooperation with institutions of higher education that have a deaf studies program, to provide a training program for educational interpreters. The training program should be accessible to all areas of Washington through a combination of interactive video conferences, on-line courses, and traditional teaching methods; and

(6) Any other option that the office deems viable to increase and maintain the quality and availability of educational interpreters in a fiscally responsible manner."

Representatives Santos and McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives McIntire, McMahan and Santos spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Clements, Representative McDonald was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5105, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5105, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Kenney, McDonald and Wood - 4.

SUBSTITUTE SENATE BILL NO. 5105, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5632, By Senators Esser, Fairley, Schmidt, Prentice, Horn and Rossi**

**Regarding utility relocation costs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5632.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5632 and the bill passed the House by the following vote: Yeas - 76, Nays - 18, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Veloria, Wallace and Woods - 76.

Voting nay: Representatives Chase, Clibborn, Cody, Conway, Cooper, Darneille, Flannigan, Kagi, Kirby, McCoy, McDermott, McIntire, Moeller, Pettigrew, Schual-Berke, Sommers, Upthegrove and Mr. Speaker - 18.

Excused: Representatives Edwards, Kenney, McDonald and Wood - 4.

SENATE BILL NO. 5632, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5509, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley)**

**Creating a voluntary organ and tissue donor registry.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

With the consent of the House, amendment (372) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Sullivan and Pflug spoke in favor of passage of the bill.

Representative Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5509, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5509, as amended by the House, and the bill passed the House by the following vote: Yeas - 77, Nays - 17, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 77.

Voting nay: Representatives Boldt, Carrell, Condotta, Cox, Crouse, Ericksen, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Orcutt, Pearson, Schindler, Sump and Talcott - 17.

Excused: Representatives Edwards, Kenney, McDonald and Wood - 4.

SUBSTITUTE SENATE BILL NO. 5509, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5497, By Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Haugen and Oke; by request of Department of Transportation)**

#### **Modifying relocation assistance provisions.**

The bill was read the second time.

Representative Jarrett moved the adoption of amendment (350):

On page 2, line 2, after "agency" strike everything through "dollars" on line 3 and insert "~~((, but not to exceed ten thousand dollars))~~ that is consistent with federal rules and regulations"

Representatives Jarrett and Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5497, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5497, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Kenney, McDonald and Wood - 4.

SUBSTITUTE SENATE BILL NO. 5497, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5720, By Senators Winsley, Prentice, Benton, Kline and Rasmussen**

**Allowing merchants to require additional identification when conducting credit and debit card sales.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Benson spoke in favor of passage of the bill.

With the consent of the House, Representative Pflug was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5720.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5720 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 92.

Voting nay: Representative McDermott - 1.

Excused: Representatives Edwards, Kenney, McDonald Pflug, and Wood - 5.

SENATE BILL NO. 5720, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Senate Bill No. 5720.

JOE MCDERMOTT, 34<sup>th</sup> District



**SUBSTITUTE SENATE BILL NO. 5749, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Rasmussen; by request of Indeterminate Sentence Review Board)**

**Revising procedures for hearings concerning violations by sex offenders of postrelease conditions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5749, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Kenney, McDonald, Pflug and Wood - 5.

SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5780, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Shin; by request of Department of Community, Trade, and Economic Development)**

**Revising method for making distributions under the municipal criminal justice assistance account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5780.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5780 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Kenney, McDonald, Pflug and Wood - 5.

SUBSTITUTE SENATE BILL NO. 5780, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., April 11, 2003, the 89<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY EIGHT DAY, APRIL 10, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**EIGHTY NINTH DAY**

---

House Chamber, Olympia, Friday, April 11, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Fakkema and Kimberly Derusha. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Scott Turner, President of the Lacey Washington State Church of Latter-Day Saints.

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

**RESOLUTION**

HOUSE RESOLUTION NO. 2003-4655, By Representatives Sump and McMorris

WHEREAS, There are First Book Local Advisory Boards with student advisory board members in many communities in Washington State; and

WHEREAS, First Book-Pend Oreille County and other chapters raise funds at the local level to provide thousands of free books for low-income children in Washington State; and

WHEREAS, First Book-Pend Oreille County and other chapters read to children at local schools throughout Washington State; and

WHEREAS, First Book-Pend Oreille County and other chapters have the goal of raising literacy rates by improving the reading skills of children; and

WHEREAS, During "Read Across America Week" in March many schools are involved in exciting reading events; and

WHEREAS, The national First Book office in Washington, D.C. provides donations to Local Advisory Boards to be used for books for children in counties throughout the State of Washington; and

WHEREAS, First Book-Pend Oreille County and other chapters benefit not only children in local communities, but kids throughout the entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its appreciation for all the hard work represented by dedicated First Book volunteers as well as First Book Local Advisory Board members to provide thousands of free books for low-income children in Washington State and to raise literacy rates by improving the reading skills of children.

House Resolution No. 4655 was adopted.

**MESSAGE FROM THE SENATE**

April 10, 2003

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5780, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

SENATE BILL NO. 5632,  
SENATE BILL NO. 5720,

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

HOUSE BILL NO. 1045,  
SUBSTITUTE HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1110,  
SECOND SUBSTITUTE HOUSE BILL NO. 1241,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,  
HOUSE BILL NO. 1318,  
SUBSTITUTE HOUSE BILL NO. 1346,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,  
HOUSE BILL NO. 1526,  
SUBSTITUTE HOUSE BILL NO. 1550,  
HOUSE BILL NO. 1566,  
HOUSE BILL NO. 1591,  
HOUSE BILL NO. 1637,  
ENGROSSED HOUSE BILL NO. 1808,  
ENGROSSED HOUSE BILL NO. 2064,

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE SENATE BILL NO. 5364, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The Senate has passed:

and the same are herewith transmitted.

HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1352,  
HOUSE BILL NO. 1420,  
ENGROSSED HOUSE BILL NO. 1726,  
HOUSE BILL NO. 2063,  
HOUSE JOINT MEMORIAL NO. 4014,

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1073,  
HOUSE BILL NO. 1106,  
SUBSTITUTE HOUSE BILL NO. 1202,  
SUBSTITUTE HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1882,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5425,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5561,  
SENATE BILL NO. 5651,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1348,  
HOUSE BILL NO. 1460,  
HOUSE BILL NO. 1531,  
HOUSE BILL NO. 1631,  
SUBSTITUTE HOUSE BILL NO. 1722,  
SUBSTITUTE HOUSE BILL NO. 1738,  
SUBSTITUTE HOUSE BILL NO. 1848,  
ENGROSSED HOUSE BILL NO. 2030,  
SUBSTITUTE HOUSE BILL NO. 2039,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 10, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5006,  
SENATE BILL NO. 5049,  
SUBSTITUTE SENATE BILL NO. 5062,  
SECOND SUBSTITUTE SENATE BILL NO. 5074,  
SUBSTITUTE SENATE BILL NO. 5204,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5226,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5786, By Senate Committee on Land Use & Planning  
(originally sponsored by Senators T. Sheldon and Mulliken)**

**Clarifying the scope of industrial uses allowed in rural areas under GMA.**

The bill was read the second time.

MOTIONS

On motion of Representative Clements, Representatives Campbell, Hankins, McDonald, Skinner, Sump and Talcott were excused. On motion of Representative Simpson, Representatives Berkey, Cooper, Edwards, Kenney, Quall, Ruderman, Schual-Berke, Upthegrove and Wood were excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5786.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5786 and the bill passed the House by the following vote: Yeas - 82, Nays - 0, Absent - 0, Excused - 16.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Sommers, Sullivan, Tom, Veloria, Wallace, Woods and Mr. Speaker - 82.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, McDonald, Quall, Ruderman, Schual-Berke, Simpson, Skinner, Sump, Talcott, Upthegrove and Wood - 16.

SUBSTITUTE SENATE BILL NO. 5786, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5811, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and McAuliffe)**

**Requiring greater opportunities for involvement of birth families in foster care.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Boldt moved the adoption of amendment (369):

On page 2, line 25, strike "Mentor" and insert "Assist"

Representatives Boldt and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5811, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Veloria, Wallace, Woods and Mr. Speaker - 83.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, McDonald, Quall, Ruderman, Schual-Berke, Skinner, Sump, Talcott, Upthegrove and Wood - 15.

SUBSTITUTE SENATE BILL NO. 5811, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5829, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Winsley)**

**Providing for the registration of nursing technicians.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 78<sup>th</sup> Day, March 31, 2003.)

Representative Morrell moved the adoption of amendment (359):

On page 1, line 16, after "who" strike "graduated within the past thirty days" and insert: "graduated:  
(i) within the past thirty days; or  
(ii) within the past sixty days and has received a determination from the secretary that there is good cause to continue the registration period, as defined by the secretary in rule"

Representatives Morrell and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pflug and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5829, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5829, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Veloria, Wallace, Woods and Mr. Speaker - 84.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Quall, Ruderman, Schual-Berke, Skinner, Sump, Talcott, Upthegrove and Wood - 14.

SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5865, By Senators B. Sheldon and Oke**

#### **Including recreation facilities under certain public facilities districts' authority.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Trade & Economic Development was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Rockefeller spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5865, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5865, as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 3, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Veloria, Wallace, Woods and Mr. Speaker - 82.

Voting nay: Representatives Boldt, Mielke and Orcutt - 3.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Ruderman, Schual-Berke, Skinner, Sump, Talcott, Upthegrove and Wood - 13.

SENATE BILL NO. 5865, as amended by the House, having received the necessary constitutional majority, was declared passed.



**SUBSTITUTE SENATE BILL NO. 5868, By Senate Committee on Highways & Transportation (originally sponsored by Senators Brown, West, Sheahan and Kohl-Welles)**

**Releasing driving abstracts of prospective volunteers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5868.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5868 and the bill passed the House by the following vote: Yeas - 84, Nays - 2, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 84.

Voting nay: Representatives Condotta and DeBolt - 2.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Ruderman, Schual-Berke, Skinner, Sump, Talcott and Wood - 12.

SUBSTITUTE SENATE BILL NO. 5868, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5933, By Senate Committee on Commerce & Trade (originally sponsored by Senators Hargrove, Franklin and Kline)**

**Authorizing cigarette tax contracts between the state and additional Indian tribes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Gombosky spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5933.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5933 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway,

Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 86.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Ruderman, Schual-Berke, Skinner, Sump, Talcott and Wood - 12.

SUBSTITUTE SENATE BILL NO. 5933, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5959, By Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner**

**Providing access permits for the deployment of personal wireless facilities off limited access highways.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Telecommunication and Energy was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Romero moved the adoption of amendment (365):

On page 2, line 16, strike all of (a) of subsection (2) and insert "(a) The department shall set the yearly cost of a permit in rule."

On page 2, after line 27 insert the following:

"(4) The department shall present a report to the house technology, telecommunications, and energy committee and the senate technology and telecommunications committee on the implementation of the permit process and the cost of permits by January 15, 2004, and by the first day of the legislative session following adoption of any rule increasing the cost of permits."

Representative Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Morris and Bush spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5959, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5959, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett,

Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 86.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Ruderman, Schual-Berke, Skinner, Sump, Talcott and Wood - 12.

SENATE BILL NO. 5959, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5970, By Senator Hargrove**

**Requiring that the family law handbook be provided when a person applies for a marriage license.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5970.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5970 and the bill passed the House by the following vote: Yeas - 84, Nays - 2, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Woods and Mr. Speaker - 84.

Voting nay: Representatives Flannigan and Wallace - 2.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Ruderman, Schual-Berke, Skinner, Sump, Talcott and Wood - 12.

SENATE BILL NO. 5970, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5977, By Senate Committee on Technology & Communications (originally sponsored by Senators Esser, Schmidt, Eide, Finkbeiner, Poulsen, Reardon, Stevens, T. Sheldon and Shin)**

**Requiring the department of transportation to allow the deployment of personal wireless service facilities in state highway rights of way.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Telecommunications and Energy was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Morris and Bush spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5977, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5977, as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 87.

Excused: Representatives Berkey, Campbell, Cooper, Edwards, Hankins, Kenney, Schual-Berke, Skinner, Sump, Talcott and Wood - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5977, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 10, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,  
SUBSTITUTE SENATE BILL NO. 5499,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SENATE BILL NO. 5991,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5407, By Senate Committee on Commerce & Trade  
(originally sponsored by Senators Horn, Prentice, Honeyford and Benton)**

**Regulating motorsports vehicle dealer franchises.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Condotta spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Newhouse, Representatives Alexander and Clements were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5407.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 88.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Schual-Berke, Skinner, Talcott and Wood - 10.

SUBSTITUTE SENATE BILL NO. 5407, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2038, By Representatives Gombosky and McIntire; by request of Attorney General**

##### **Modifying tobacco escrow refund provisions.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2038 was substituted for House Bill No. 2038 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2038 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2038.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2038 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 88.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Schual-Berke, Skinner, Talcott and Wood - 10.

SUBSTITUTE HOUSE BILL NO. 2038, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5039, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Thibaudeau and Kohl-Welles)**

**Concerning hepatitis C.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5039, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5039, as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 88.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Schual-Berke, Skinner, Talcott and Wood - 10.

SUBSTITUTE SENATE BILL NO. 5039, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5343, By Senators Parlette, Doumit, Mulliken, Hale and Deccio**

**Allowing WRIA 40 to be divided for the purposes of chapter 90.82 RCW.**

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (376):

On page 2, line 10, after "eligible for" strike "one-half" and insert "one-fourth"

On page 2, line 11, after "eligible for" strike "one-half" and insert "three-fourths"

Representatives Hinkle and Linville spoke in favor of the adoption of the amendment.

Representative Armstrong spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5343, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5343, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 2, Absent - 0, Excused - 10.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 86.

Voting nay: Representatives Armstrong and Condotta - 2.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Schual-Berke, Skinner, Talcott and Wood - 10.

ENGROSSED SENATE BILL NO. 5343, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5602, By Senate Committee on Land Use & Planning (originally sponsored by Senators Kline, Mulliken, Shin, Reardon, T. Sheldon, Esser, Oke, Sheahan, Hewitt, Prentice, Doumit, Keiser and Kohl-Welles)**

**Concerning the accommodation of housing and employment growth under local comprehensive plans.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was not adopted. (For committee amendment, see Journal, 80<sup>th</sup> Day, April 2, 2003.)

Representative Clibborn moved the adoption of amendment (375):

On page 1, line 8, after "that" insert ", taken collectively,"

Representative Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Upthegrove and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5602, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5602, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 89.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5694, By Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen)**

**Creating a pilot project to develop an integrated environmental permit system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5694, as amended by the House.

### **ROLL CALL**



The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5694, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 89.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SECOND SUBSTITUTE SENATE BILL NO. 5694, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5996, By Senate Committee on Economic Development (originally sponsored by Senators West, Brown, Kohl-Welles, T. Sheldon, Shin, Hale, Rossi, Fairley, Spanel, Franklin, Parlette, McAuliffe, Rasmussen and Winsley)**

**Creating a committee to host the 2005 NCSL conference.**

The bill was read the second time.

Representative Schoesler moved the adoption of amendment (371):

On page 5, beginning on line 24, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. This act expires December 31, 2005."

Representatives Schoesler, Rockefeller, Ericksen and Armstrong spoke in favor of the adoption of the amendment.

Representatives Haigh and Morris spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5996.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the House by the following vote: Yeas - 76, Nays - 13, Absent - 0, Excused - 9.

Voting yea: Representatives Anderson, Armstrong, Bailey, Benson, Blake, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Roach, Romero,

Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Boldt, Buck, Bush, Cox, Delvin, Ericksen, Kristiansen, Mielke, Pearson, Rockefeller, Schoesler, and Sump - 13.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SUBSTITUTE SENATE BILL NO. 5996, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2223, By Representatives Hunt, Alexander, Romero and Santos**

**Allowing The Evergreen State College capital projects account to retain its interest income.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2223.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2223 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 89.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

HOUSE BILL NO. 2223, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5094, By Senators Carlson, Jacobsen, Spanel, Fraser, B. Sheldon and Rasmussen; by request of Joint Committee on Pension Policy**

**Providing optional service credit for substitute service to members of the school employees' retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5094.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5094 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 89.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SENATE BILL NO. 5094, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5134, By Senators Carlson, Zarelli, Kohl-Welles, Schmidt, Horn and Shin**

#### **Changing border county higher education opportunities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hatfield spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5134.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5134 and the bill passed the House by the following vote: Yeas - 88, Nays - 1, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 88.

Voting nay: Representative Morris - 1.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SENATE BILL NO. 5134, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5156, By Senators Winsley, Fraser, Jacobsen and Haugen**

**Describing the duties of the combined fund drive.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 79<sup>th</sup> Day, April 1, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5156, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5156, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 89.

Excused: Representatives Alexander, Berkey, Clements, Edwards, Hankins, Kenney, Skinner, Talcott and Wood - 9.

SENATE BILL NO. 5156, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTION & FIRST READING**

HB 2244 by Representative Delvin

AN ACT Relating to limited outdoor burning during periods in which a fire safety burn ban has been declared; and amending RCW 70.94.745.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2245 by Representatives Skinner, Kessler, Clements, Lovick, Campbell, Hankins, Mielke, Sehlin, McMahan, Holmquist, Chandler, Woods, Bush, Nixon, Alexander, Jarrett, Orcutt, Bailey, Crouse, Kristiansen, Armstrong, Ericksen, McCoy, Schindler, Hinkle, Talcott, Ahern, Delvin, Pflug, Boldt, Blake, Pearson, Morrell, Kirby, Schoesler, Shabro, Hatfield, Grant and Eickmeyer

AN ACT Relating to revising provisions relating to renewing a concealed pistol license by members of the armed forces.

Referred to Committee on Judiciary.

HJM 4026 by Representatives Lovick, Bush, McMahan, Boldt, Quall, Mielke, Schindler, Hatfield, McDonald, Kristiansen, Talcott, Nixon, Mastin, Pflug, Roach, Priest, Newhouse, Holmquist, Chandler, Bailey and Orcutt

Requesting that the Governor proclaim a day of humility, prayer, and fasting.

Referred to Committee on State Government.

SB 5363 by Senators Hale, T. Sheldon, Fairley, Prentice, Doumit, West, Winsley, Rasmussen and Schmidt; by request of Governor Locke

AN ACT Relating to funding for the community economic revitalization board; amending 2002 c 242 s 1 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 43.84 RCW; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5404 by Senate Committee on Ways & Means (originally sponsored by Senator Rossi; by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 19.28.351, 28A.500.030, 38.52.106, 41.50.110, 43.08.190, 43.03.050, 43.10.180, 43.43.944, 43.320.110, 46.09.170, 48.02.190, 49.26.130, 50.16.010, 51.44.170, 67.40.040, 69.50.520, 70.79.350, 70.146.030, 80.01.080, 82.14.200, 82.14.210, and 86.26.007; reenacting and amending RCW 43.08.250 and 43.135.045; amending 2003 c ... (SSB 5403) s 707 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5725 by Senators Zarelli, T. Sheldon, Carlson, Reardon, Benton, Hewitt, Winsley, Hale, Sheahan, Honeyford, Finkbeiner, Johnson and West

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.260, 82.04.240, and 82.04.280; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

SSB 6051 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Winsley, Fairley, Poulsen and Kline)

AN ACT Relating to the payment of excise taxes; amending RCW 82.32.045, 82.23B.020, and 82.27.060; and providing an effective date.

Referred to Committee on Finance.

SSB 6054 by Senate Committee on Ways & Means (originally sponsored by Senators Rossi and Fairley; by request of Office of Financial Management)

AN ACT Relating to clarifying the application of the industrial welfare act to public employers; amending RCW 49.12.005; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

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

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

There being no objection, the House adjourned until 10:00 a.m., April 14, 2003, the 92<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

EIGHTY NINTH DAY, APRIL 11, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**NINETY SECOND DAY**

---

House Chamber, Olympia, Monday, April 14, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vanessa Garcia and Alaura Hilts. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dan Secrist, Faith Assembly of Lacey.

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

**MESSAGES FROM THE SENATE**

April 11, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1207,  
HOUSE BILL NO. 1430,  
HOUSE BILL NO. 1519,  
SECOND SUBSTITUTE HOUSE BILL NO. 1887,  
HOUSE BILL NO. 1993,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 11, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1075,  
SUBSTITUTE HOUSE BILL NO. 1189,  
HOUSE BILL NO. 1391,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1813,  
SUBSTITUTE HOUSE BILL NO. 1855,  
SENATE JOINT MEMORIAL BILL NO. 8022,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### **SECOND READING**

#### **HOUSE BILL NO. 2226, By Representatives Veloria and Kessler**

**Authorizing the office of minority and women's business enterprises to receive gifts, grants, or endowments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Veloria spoke in favor of passage of the bill.

### **MOTIONS**

On motion of Representative Santos, Representatives Edwards, Gombosky and Sommers were excused. On motion of Representative Clements, Representatives Condotta, Cox and Delvin were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2226.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2226 and the bill passed the House by the following vote: Yeas - 82, Nays - 10, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Anderson, Armstrong, Boldt, Chandler, Crouse, Hinkle, Mielke, Newhouse, Pflug and Schindler - 10.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

HOUSE BILL NO. 2226, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2237, By Representatives Linville, Chandler and Fromhold**

**Concerning water discharge fees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2237.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2237 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

HOUSE BILL NO. 2237, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5245, By Senators Horn, Haugen, Mulliken, Finkbeiner, Oke, Swecker, Esser, Prentice, Benton and Kohl-Welles**

**Involving legislators in transportation planning.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5245, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5245, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Clibborn, Hatfield and Jarrett - 3.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

ENGROSSED SENATE BILL NO. 5245, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5256, By Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson**

**Revising rule-making procedures.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

#### **COLLOQUY**

Representative Armstrong: "Does Engrossed Senate Bill No. 5256 create or add new requirements to the administrative procedures act for significant legislative rules?"

Representative Haigh: "No, Engrossed Senate Bill No. 5256 simply affirms the 1995 regulatory reform act in clarifying that "members of the public affected by administrative rules must have the opportunity for a meaningful role in their development." The Supreme Court got it right in its Hillis decision: "before adopting a rule" means meaningfully before. Engrossed Senate Bill No. 5256 affirms the 1995 regulatory reform act in providing that the public be provided that opportunity for a meaningful role in their development before a rule is adopted. In 2001, the Shorelines Hearing Board applied the 1995 regulatory reform act correctly to invalidate regulations when the agency had not made the cost benefit analysis available to the public until after the public comment period had closed. More recent Superior Court decisions have raised questions about this requirement of the 1995 regulatory reform act, and Engrossed Senate Bill No. 5256 resolves those questions."

With the consent of the House, the House deferred action on ENGROSSED SENATE BILL NO. 5256 and the bill held its place on Third Reading.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, By Senate Committee on Technology & Communications (originally sponsored by Senators Stevens, Reardon, Esser, Finkbeiner, Johnson and T. Sheldon)**

**Concerning promotional service offerings. (REVISED FOR ENGROSSED: Concerning tariff and price list notices.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Bush spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5299.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5299 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5310, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Morton, Hargrove and Haugen)**

#### **Establishing bond requirements for title insurance agent licenses.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, 81<sup>st</sup> Day, April 3, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simpson and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5310, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5310, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

SUBSTITUTE SENATE BILL NO. 5310, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5335, By Senate Committee on Highways & Transportation (originally sponsored by Senators Zarelli, Haugen, Prentice, Mulliken, Benton, Oke and Carlson)**

**Defining "motorcycle helmet."**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Mielke and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5335, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5335, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 9, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Conway, Crouse, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Flannigan, Hunt, Lovick, Moeller and Simpson - 9.

Excused: Representatives Condotta, Cox, Delvin, Edwards, Gombosky and Sommers - 6.

SUBSTITUTE SENATE BILL NO. 5335, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5396, By Senate Committee on Judiciary (originally sponsored by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland)**

**Enforcing conditions in deferred prosecutions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carroll spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5396.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5396 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cox, Delvin, Edwards, Gombosky and Sommers - 5.

SUBSTITUTE SENATE BILL NO. 5396, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5450, By Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles**

**Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simpson and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5450, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5450, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy,

McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cox, Delvin, Edwards, Gombosky and Sommers - 5.

ENGROSSED SENATE BILL NO. 5450, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5520, By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn and Oke; by request of Department of Transportation)**

**Authorizing the ferry system to use alternative public works contracting procedures.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simpson and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5520, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5520, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cox, Delvin, Edwards, Gombosky and Sommers - 5.

SUBSTITUTE SENATE BILL NO. 5520, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5579, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Jacobsen, Winsley, Brandland, Rasmussen, Esser, Reardon, Honeyford, T. Sheldon, Hargrove, Haugen, Doumit, Zarelli, Stevens, Deccio, Keiser, Mulliken and Shin)**

**Revising provisions for boarding homes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Cody moved the adoption of amendment (388):

On page 9, after line 15, insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 18.20 RCW to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed eighty-five percent of the average daily rate paid to the facility. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

(4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.

(5) This section shall expire on June 30, 2006."

Renumber the remaining section accordingly.

Correct the title.

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5579, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5579, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro,

Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cox, Delvin, Edwards, Gombosky and Sommers - 5.

SUBSTITUTE SENATE BILL NO. 5579, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business and immediately resumed consideration of ENGROSSED SENATE BILL NO. 5256.

### **THIRD READING**

**ENGROSSED SENATE BILL NO. 5256, By Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson**

**Revising rule-making procedures.**

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5256.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5256 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Cox, Delvin, Edwards, Gombosky and Sommers - 5.

ENGROSSED SENATE BILL NO. 5256, having received the necessary constitutional majority, was declared passed.

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

### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5190, By Senate Committee on Highways & Transportation (originally sponsored by Senators Jacobsen, Horn, Haugen and Franklin)**

**Strengthening laws against fuel tax evasion.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 75<sup>th</sup> Day, March 28, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cooper and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5190, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5190, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cox and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5190, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5065, By Senator Swecker**

#### **Modifying when a geologist license may be obtained without a written exam.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5065, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5065, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke,



Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cox and Edwards - 2.

SENATE BILL NO. 5065, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5601, By Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Deccio)**

**Limiting liability for physicians providing care at community clinics.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

Representative Campbell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5601.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5601 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Campbell, Chase, Conway, Cooper, Darneille, Flannigan, McIntire, Moeller, Morrell, Santos, Simpson and Veloria - 12.

Excused: Representatives Cox and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5601, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5051, By Senate Committee on Commerce & Trade (originally sponsored by Senator Jacobsen)**

**Removing the sale of strong beer from the exclusive jurisdiction of the liquor control board.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Kagi moved adoption of amendment (396) to the committee amendment.

On page 11, after line 35, insert the following:

"NEW SECTION. **Sec. 12.** Sections 8 and 9 of this act apply to retailers who hold a restricted grocery store license or restricted beer and/or wine specialty shop license on or after the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Kagi spoke in favor of adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted. The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5051, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5051, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 94.

Voting nay: Representatives Hudgins and Wood - 2.

Excused: Representatives Cox and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5051, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5073, By Senators Fraser, Honeyford, Hale and Kohl-Welles**

**Adopting provisions for cooperative watershed management plans.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Representative Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5073, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5073, as amended by the House, and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Campbell, Condotta, Crouse, DeBolt, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott and Woods - 34.

Excused: Representatives Cox and Edwards - 2.

ENGROSSED SENATE BILL NO. 5073, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 5379, By Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley**

#### **Revising rules for public access to dependency hearings.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was before the House for purpose of amendment. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Kagi moved adoption of amendment (387):

Strike everything after line 2 of the amendment and insert the following:

"**Sec. 1.** RCW 13.34.115 and 2000 c 122 s 12 are each amended to read as follows:

(1) All hearings ~~((may)) shall be public, and~~ conducted at any time or place within the limits of the county, ~~((and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court)) except if the judge finds that excluding the public is in the best interests of the child.~~

(2) Either parent, or the child's attorney or guardian ad litem, may move to close a hearing at any time. If the judge finds that it is in the best interests of the child the court shall exclude the public.

(3) If the public is excluded from the hearing, the following people may attend the closed hearing unless the judge finds it is not in the best interests of the child:

(a) The child's relatives;

(b) The child's foster parents if the child resides in foster care; and

(c) Any person requested by the parent.

(4) Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

(5) Any video recording of the proceedings may be released pursuant to RCW 13.50.100, however, the video recording may not be televised, broadcast, or further disseminated to the public."

### **POINT OF ORDER**

Representative Nixon requested a scope and object ruling on amendment (387) to the committee amendment Engrossed Senate Bill No. 5379.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "In ruling on the scope and object challenge to amendment (387), the Speaker first notes that the amendment is drawn to the amendment proposed by the Children and Family Services Committee. The committee amendment has not been adopted by the body. Therefore, for purposes of the ruling, the Speaker looks to the bill as it passed the Senate and was introduced in the House.

Engrossed Senate Bill No. 5379 is entitled an act relating to "dependency petition hearings." The bill requires that dependency and termination hearings, which currently are open only to persons with a direct interest in the case, be open to the public, with certain exceptions.

Amendment (387) also requires the proceedings to be open to the public, but sets forth different exceptions, and expands the persons eligible to attend a proceeding that has been closed to the general public. The amendment additionally regulates access and dissemination of video recordings of the proceedings.

The bill and the amendment both revise the standards for public access to dependency and termination hearings. The different standards they propose present a policy choice for the body; not a change in the scope and object of the bill.

Representative Nixon, your point of order is not well taken."

Representatives Kagi and Boldt spoke in favor of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5379, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5379, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

ENGROSSED SENATE BILL NO. 5379, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5592, By Senate Committee on Judiciary (originally sponsored by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin)**

**Allowing attorney issued garnishments and simplifying garnishment answer forms.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 5592, and the bill held its place on Third Reading.

**SUBSTITUTE SENATE BILL NO. 5616, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Reardon, Zarelli, Winsley, Keiser and Finkbeiner)**

**Concerning insurer foreign investments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5616.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5616 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin,

Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5616, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the sixth order of business and immediately resumed consideration of SUBSTITUTE SENATE BILL NO. 5592, as amended by the House.

### **THIRD READING**

**SUBSTITUTE SENATE BILL NO. 5592, By Senate Committee on Judiciary (originally sponsored by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin)**

**Allowing attorney issued garnishments and simplifying garnishment answer forms.**

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5592, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5592, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5592, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### **SECOND READING**

**SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, By Senate Committee on Commerce & Trade (originally sponsored by Senators Shin, Swecker, T. Sheldon, Reardon, Fairley, West, Benton, Kohl-Welles, Rasmussen and Winsley)**

**Encouraging legislator trade mission participation.**

The concurrent resolution was read the second time.

There being no objection, the committee amendment by the Committee on Trade & Economic Development was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Veloria moved the adoption of amendment (374):

On page 2, line 6, after "(2)" insert "Members of the house of representatives and the senate;"

Renumber the remaining subsections consecutively

On page 2, line 23, after "(14)" strike all material through "representatives;" on line 26

Renumber the remaining subsections consecutively

Representative Veloria spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution, as amended by the House, was placed on final passage.

Representatives Veloria and Skinner spoke in favor of adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of Substitute Senate Concurrent Resolution No. 8402, as amended by the House.

### ROLL CALL

The Clerk called the roll on the adoption of Substitute Senate Concurrent Resolution No. 8402, as amended by the House, and the resolution was adopted by the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, as amended by the House, having received the necessary two-thirds majority, was adopted.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5223, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Keiser, Parlette, Hargrove, Deccio and Kline)**

**Authorizing mental health advance directives.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5223.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5223 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Voting nay: Representative Boldt - 1.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5223, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5236, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Thibaudeau, Winsley, Keiser, Carlson, Honeyford, McAuliffe, Mulliken, Kohl-Welles, Hale, Roach, Esser, Brandland and Eide)**

**Offering health care benefit plans to school district employees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5236.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5236, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5457, By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Oke, Johnson, Hargrove, B.**



**Sheldon, Roach, Zarelli, Sheahan, Jacobsen, Stevens, Schmidt, Rossi, Eide, Kline, T. Sheldon, West, Shin and Rasmussen)**

**Posting hazards to motorcycles.**

The bill was read the second time.

Representative Murray moved the adoption of amendment (397):

On page 1, line 19, after "condition," insert "as required by current law."

Representative Murray spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Murray moved the adoption of amendment (393):

On page 2, after line 8, insert the following:

"NEW SECTION. Sec. 3. This act takes effect January 1, 2004."

Correct the title.

Representative Murray spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5457, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5457, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5457, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5600, By Senate Committee on Highways & Transportation (originally sponsored by Senators Schmidt, Kohl-Welles, Esser, Finkbeiner, Rossi, Horn and Winsley)**

**Regulating disposition of returned license plates.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5600.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5600 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods - 91.

Voting nay: Representatives Clements, and DeBolt - 2.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5600, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5708, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Franklin, Esser, Haugen, Thibaudeau, Kline and Kohl-Welles)**

**Providing a procedure for court-ordered contact with a child for nonparents.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice & Family Law was before the House for purpose of amendment. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Carrell moved adoption of amendment (398) to the committee amendment.

Strike everything after line 2 of the amendment and insert the following:

"New section. Sec. 1. The legislature affirms that parents have a paramount right to raise their minor children. The legislature also recognizes that this paramount right must be considered in conjunction with a minor child's interest in maintaining the strong emotional bonds with others that the child has developed and relies upon. Therefore, the legislature intends to establish internally consistent and rigorous standards that must be met for a nonparent to obtain visitation with a minor child.

New section. Sec. 2. A new section is added to chapter 26.10 rcw to read as follows:

for purposes of section 3 of this act, the following definitions apply:

- (1) "applicant" means a nonparent who initiates a proceeding under this statute.
- (2) "contact" includes all court-ordered arrangements by which a nonparent is authorized to interact with a child other than custody, conservatorship, guardianship, or joint or shared custody.
- (3) "harm" means that denial of contact results in substantial loss and detriment to the child's physical, psychological, or emotional well-being. The likelihood of harm must be beyond the normal short-term distress a child suffers due to a change in circumstances.
- (4) "nonparent" includes any person not legally recognized as a parent whether or not related by blood or marriage.
- (5) "parent-like relationship" means a very significant relationship between a nonparent and a child in which the nonparent undertook responsibilities and tasks commonly performed by parents and commonly recognized as actions by someone in a parent-like relationship. Excluded from this category are baby-sitters or other caregivers who provided care for compensation or with the expectation of compensation, either directly or indirectly, in whole or in part. Compensation does not include incidental funds that the parent provides to the nonparent to be used for the benefit of the child.
- (6) "substantially interfered" means to have unreasonably and greatly diminished the amount and quality of contact a nonparent has had with the child. A reasonable reduction in the frequency or length of contact previously enjoyed with the child is not a substantial interference.

New section. Sec. 3. A new section is added to chapter 26.10 rcw to read as follows:

(1) a nonparent who is related to the child by blood, marriage, or adoption may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact under the following circumstances:

- (A) (i) the application is filed during a pending dissolution, legal separation, or modification of a parenting plan;  
(ii) a parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and  
(iii) the relationship between the applicant and the child is beneficial to the child and to the applicant; or
- (B)(i) the application is filed within twelve months from the date a final order is entered in a dissolution, legal separation, or modification of a parenting plan or within twelve months of the death of one of the child's parents;  
(ii) a parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions;  
(iii) the child's parent or custodian has substantially interfered with the applicant's relationship with the child;
- (iv) the applicant has unsuccessfully attempted to resolve any disagreement with the parent or custodian before going to court; and  
(v) the relationship between the applicant and the child is beneficial to the child and to the applicant.

(2) notwithstanding subsections 1 (a) and (b) of this section, a nonparent who is related to the child by blood, marriage, or adoption may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact under the following circumstances:

- (I) the application is filed within twelve months following the effective date of this act;
- (ii) a parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and  
(iii) the relationship between the applicant and the child is beneficial to the child and to the applicant.

(3) a nonparent who is not related to the child by blood, marriage, or adoption may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact under the following circumstances:

- (A) the application is filed during a pending dissolution, legal separation, or modification of a parenting plan;
- (B) the applicant is an individual with a parent-like relationship with the child;
- (C) the relationship has been parent-like in nature for a substantial period of time;
- (D) a parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and  
(E) the relationship between the applicant and the child is beneficial to the child and to the applicant.

(4) notwithstanding subsection 3 of this section, a nonparent who is not related to the child by blood, marriage, or adoption may initiate a court proceeding for contact with a child by filing a verified application to obtain court-ordered contact under the following circumstances:

(A) the application is filed within twelve months following the effective date of this act;  
(B) the applicant is an individual with a parent-like relationship with the child;  
(C) the relationship has been parent-like in nature for a substantial period of time;  
(D) a parent or custodian of the child consented to or allowed the formation and establishment of the relationship or the relationship was formed as a result of the unavailability or inability of any legal parent to perform caretaking functions; and

(E) the relationship between the applicant and the child is beneficial to the child and to the applicant.

(5)(a) the court shall treat standing as a threshold issue. The applicant bears the burden of establishing standing. If the applicant does not satisfy this burden, the proceeding shall be dismissed.

(B) upon a finding that the applicant has standing, the applicant shall come forward with evidence to show that the child would very likely suffer harm if contact were not awarded. If the applicant presents evidence that could allow a reasonable fact finder to conclude that the child would very likely suffer harm, the burden shifts to the parent or custodian to present evidence why the decision to refuse contact is reasonable and in the best interests of the child.

(6) the court shall order contact if it finds that the applicant has satisfied the burden of showing by clear and convincing evidence that:

(A) the child would very likely suffer harm if contact is not awarded; and

(B) the parent's or custodian's denial of contact was unreasonable and not in the child's best interests.

(7) if the court dismisses the proceeding for lack of standing, the court shall award reasonable and necessary costs and fees to the prevailing party unless there is a compelling reason to do otherwise. In all other cases, the court may award such costs and fees as it deems appropriate.

(8) if the parent or custodian fails to comply with a court order awarding contact between the nonparent and the child, the nonparent may file a motion to initiate a contempt action under rcw 26.09.160.

**Sec. 4.** Rcw 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

~~((4))~~ a person other than a parent may petition the court for visitation with a child under section 3 of this act ~~((at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding)).~~ ~~((a person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.~~

~~(2) a petition for visitation with a child by a person other than a parent must be filed in the county in which the child resides.~~

~~(3) a petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

~~(4) the court may order visitation between the petitioner or intervenor and the child between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.~~

~~(5)(a) visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

~~(B) if the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under rcw 26.09.015.~~

~~(6) the court may consider the following factors when making a determination of the child's best interests:~~

~~(A) the strength of the relationship between the child and the petitioner;~~

~~(B) the relationship between each of the child's parents or the person with whom the child is residing and the petitioner;~~

~~(C) the nature and reason for either parent's objection to granting the petitioner visitation;~~

~~(D) the effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;~~

~~(E) the residential time sharing arrangements between the parents;~~

~~(F) the good faith of the petitioner;~~

~~(G) any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner;~~  
and

~~(H) any other factor relevant to the child's best interest.~~

~~(7) the restrictions of rcw 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.~~

~~(8) the court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in rcw 26.09.220.~~

~~(9) visitation granted pursuant to this section shall be incorporated into the parenting plan for the child.~~

~~(10) the court may modify or terminate visitation rights granted pursuant to this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.)~~

**Sec. 5.** Rcw 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) a parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in rcw 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) rcw 9a.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) rcw 9a.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) rcw 9a.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) rcw 9a.44.089;

(E) rcw 9a.44.093;

(F) rcw 9a.44.096;

(G) rcw 9a.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) chapter 9.68a rcw;

(I) any predecessor or antecedent statute for the offenses listed in (a)(iv)(a) through (h) of this subsection;

(J) any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(a) through (h) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(B) the parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in rcw 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) rcw 9a.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) rcw 9a.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) rcw 9a.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) rcw 9a.44.089;

(E) rcw 9a.44.093;

(F) rcw 9a.44.096;

(G) rcw 9a.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) chapter 9.68a rcw;

(I) any predecessor or antecedent statute for the offenses listed in (b)(iii)(a) through (h) of this subsection;

(J) any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(a) through (h) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(C) if a parent has been found to be a sexual predator under chapter 71.09 rcw or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 rcw or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(D) there is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(I) rcw 9a.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(Ii) rcw 9a.44.073;

(Iii) rcw 9a.44.076, provided that the person convicted was at least eight years older than the victim;

(Iv) rcw 9a.44.079, provided that the person convicted was at least eight years older than the victim;

(V) rcw 9a.44.083;

(Vi) rcw 9a.44.086, provided that the person convicted was at least eight years older than the victim;

(Vii) rcw 9a.44.100;

(Viii) any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(Ix) any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(E) there is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(I) rcw 9a.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(Ii) rcw 9a.44.073;

(Iii) rcw 9a.44.076, provided that the person convicted was at least eight years older than the victim;

(Iv) rcw 9a.44.079, provided that the person convicted was at least eight years older than the victim;

(V) rcw 9a.44.083;

(Vi) rcw 9a.44.086, provided that the person convicted was at least eight years older than the victim;

(Vii) rcw 9a.44.100;

(Viii) any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(Ix) any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(F) the presumption established in (d) of this subsection may be rebutted only after a written finding that:

(I) if the child was not the victim of the sex offense committed by the parent requesting visitation, (a) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (b) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(Ii) if the child was the victim of the sex offense committed by the parent requesting visitation, (a) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (b) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (c) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(G) the presumption established in (e) of this subsection may be rebutted only after a written finding that:

(I) if the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (a) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (b) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(Ii) if the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (a) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (b) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (c) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(H) if the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is

willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(I) if the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(J) if the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(K) a court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9a.44 rcw, rcw 9a.64.020, or chapter 9.68a rcw and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(L) a court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9a.44 rcw, rcw 9a.64.020, or chapter 9.68a rcw, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(M)(i) the limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) the court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that

the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(Iii) if the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(N) if the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 rcw as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

~~(3) ((any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.))~~ a person other than a parent may petition the court for visitation with a child under section 3 of this act.

(4) the court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

(5) for the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

**Sec. 6.** Rcw 26.09.160 and 1991 c 367 s 4 are each amended to read as follows:

(1) the performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another, to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) a motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child or awarding contact with a child to a nonparent under section 3 of this act. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(B) if, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child or awarding contact with a nonparent, the court shall find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(I) the noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(Ii) the parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(Iii) the parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan or court order awarding contact with a nonparent and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) on a second failure within three years to comply with a residential provision of a court-ordered parenting plan or court order awarding contact with a nonparent, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2)(a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(A) the noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(B) the noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and



(C) the noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan or court order awarding contact with a nonparent and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) for purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions or awarding contact with a nonparent unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the court-ordered contact with a nonparent or the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

**Sec. 7.** Rcw 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) in applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(A) the parents agree to the modification;

(B) the child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(C) the child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(D) the court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with a court order awarding contact with a nonparent or the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under rcw 9a.40.060 or 9a.40.070.

(3) a conviction of custodial interference in the first or second degree under rcw 9a.40.060 or 9a.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) the court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in rcw 26.09.191.

(5) the court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(A) does not exceed twenty-four full days in a calendar year; or

(B) is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(C) does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) the court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification

shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in rcw 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) a parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to rcw 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8) if a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(9) a parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) the court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) if the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

New section. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Carrell spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dickerson spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted. The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Dickerson and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5708, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5708, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 92.

Voting nay: Representative Chandler - 1.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5708, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5716, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Winsley, Benton, Kline, McCaslin and Rasmussen)**

**Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was before the House for purpose of amendment. (For committee amendment, see Journal, 81<sup>st</sup> Day, April 3, 2003.)

With the consent of the House, amendment (399) was withdrawn.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5716, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5716, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 7, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 86.

Voting nay: Representatives Carrell, Chandler, Condotta, Hinkle, Newhouse, Sump and Talcott - 7.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SUBSTITUTE SENATE BILL NO. 5716, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5726, By Senators Morton, Rasmussen, Brandland, Parlette, Swecker and Jacobsen**

**Revising eligibility requirements for directors of cooperative associations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5726.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5726 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE BILL NO. 5726, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5766, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale)**

**Providing businesses with notice of certain administrative rules.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Armstrong and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5766.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5766 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5766, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5779, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke)**

**Preserving sibling relationships for dependent children.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5779, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5779, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5779, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5898, By Senators Oke, Doumit, Esser, Jacobsen, Swecker, Fraser and Shin**

**Studying recreational boating safety.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5898.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5898 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE BILL NO. 5898, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8003, By Senators Fraser, Rossi, Kohl-Welles, Fairley, Jacobsen, Benton, Eide, Esser, Franklin, Hale, Haugen, Johnson, Kline, McAuliffe, Oke, Parlette, Rasmussen, Regala, Roach, Schmidt, B. Sheldon, Spanel, Stevens, Thibaudeau, Winsley and Zarelli**

**Requesting Congress to restore the sales tax deduction for federal income taxes.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Gombosky, Nixon and Ahern spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8003.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE JOINT MEMORIAL NO. 8003, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8012, By Senators Fraser, Morton and Kline**

**Asking the federal energy regulatory commission to withdraw a new pricing policy proposal.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Ruderman and Bush spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8012.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE JOINT MEMORIAL NO. 8012, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8015, By Senators Sheahan, Hale and Rasmussen**

**Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Schoesler and Eickmeyer spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8015.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8015 and the joint memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE JOINT MEMORIAL NO. 8015, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Hatfield to preside.

**SENATE BILL NO. 5935, By Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley; by request of Washington State Patrol**

**Consolidating fire service mobilization responsibilities within the Washington state patrol.**

The bill was read the second time.

Representative Lovick moved the adoption of amendment (381):

On page 4, after line 26, insert the following:

**"NEW SECTION. Sec. 5.** (1) Because of the possibility of a disaster of unprecedented size and destruction, including acts of domestic terrorism and civil unrest, that requires law enforcement response for the protection of persons or property and preservation of the peace, the need exists to ensure that the state is adequately prepared to respond to such an incident. There is a need to (a) establish a mechanism and a procedure to provide for reimbursement to law enforcement agencies that respond to help others in time of need, and to host law enforcement agencies that experience expenses beyond the resources of the agencies; and (b) generally to protect the public safety, peace, health, lives, and property of the people of Washington.

(2) It is hereby declared necessary to:

(a) Provide the policy and organizational structure for large-scale mobilization of law enforcement resources in the state, using the incident command system, through creation of the Washington state law enforcement mobilization plan;

(b) Confer upon the chief of the Washington state patrol the powers provided in this chapter;

(c) Provide a means for reimbursement to law enforcement jurisdictions that incur expenses when mobilized by the chief under the Washington state law enforcement mobilization plan; and

(d) Provide for reimbursement of the host law enforcement agency when it has:

(i) Exhausted all of its resources; and

(ii) Invoked its local mutual aid network and exhausted those resources.

**NEW SECTION. Sec. 6.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any general purpose law enforcement agency as defined in RCW 10.93.020.

(2) "Board" means the state law enforcement mobilization policy board.

(3) "Chief" means the chief of the Washington state patrol.



(4) "Chief law enforcement officer" means the chief of police or sheriff responsible for law enforcement services in the jurisdiction in which the emergency is occurring.

(5) "General authority Washington peace officer" means a general authority Washington peace officer as defined in RCW 10.93.020.

(6) "Host agency" means the law enforcement agency that requests statewide mobilization under sections 6 through 11 of this act.

(7) "Mobilization" means a redistribution of regional and statewide law enforcement resources in response to an emergency or disaster situation.

(8) "Mutual aid" means emergency interagency assistance provided without compensation pursuant to an agreement under chapter 39.34 RCW.

(9) "Resource coordination" means the effort to locate and arrange for the delivery of resources needed by chief law enforcement officers.

(10) "State law enforcement resource coordinator" means a designated individual or agency selected by the chief to perform the responsibilities of that position.

**NEW SECTION. Sec. 7.** (1) The state law enforcement mobilization policy board shall be established by the chief and shall have representatives from each of the regions established in section 10 of this act. In carrying out its duty, the board shall consult with and solicit recommendations from representatives of the state and local law enforcement and emergency management organizations, and regional law enforcement mobilization committees.

(2) The board shall establish and make recommendations to the chief on the refinement and maintenance of the Washington state law enforcement mobilization plan, including the procedures to be used during an emergency or disaster response requiring coordination of local, regional, and state law enforcement resources.

(3) The chief shall review the Washington state law enforcement mobilization plan, as submitted by the board, recommend changes as necessary, and may approve the plan. The plan shall be consistent with the Washington state comprehensive emergency management plan. The chief may recommend the plan for inclusion within the state comprehensive emergency management plan established under chapter 38.52 RCW.

**NEW SECTION. Sec. 8.** (1) Local law enforcement may request mobilization only in response to an emergency or disaster exceeding the capabilities of available local resources and those available through existing mutual aid agreements. Upon finding that the local jurisdiction has exhausted all available resources, it is the responsibility of the chief to determine whether mobilization is the appropriate response to the emergency or disaster and, if so, to mobilize jurisdictions under the Washington state law enforcement mobilization plan.

(2) Upon mobilization, the chief shall appoint a state law enforcement resource coordinator, and an alternate, who shall serve jointly with the chief law enforcement officer from the host agency to command the mobilization effort consistent with incident command system procedures.

(3) Upon mobilization, all law enforcement resources including those of the host agency and those that responded earlier under an existing mutual aid or other agreement shall be mobilized. Mobilization may include the redistribution of regional or statewide law enforcement resources to either direct emergency incident assignments or to assignments in communities where law enforcement resources are needed.

(4) For the duration of the mobilization:

(a) Host agency resources shall become state law enforcement mobilization resources, under the command of the state law enforcement resource coordinator and the chief law enforcement officer from the host agency, consistent with the state law enforcement mobilization plan and incident command system procedures; and

(b) All law enforcement authorities providing resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter.

(5) The chief, in consultation with the regional law enforcement resource coordinator, shall determine when mobilization is no longer required and shall then declare the end to the mobilization.

**NEW SECTION. Sec. 9.** (1) The state law enforcement resource coordinator, or alternate, shall serve in that capacity for the duration of the mobilization.

(2) The duties of the coordinator are to:

(a) Coordinate the mobilization of law enforcement and other support resources within a region;

(b) Be primarily responsible for the coordination of resources in conjunction with the regional law enforcement mobilization committees, in the case of incidents involving more than one region or when resources from more than one region must be mobilized; and

(c) Advise and consult with the chief regarding what resources are required in response to the emergency or disaster and in regard to when the mobilization should end.

**NEW SECTION. Sec. 10.** (1) Regions within the state are initially established as follows and may be adjusted as necessary by the state law enforcement policy board, but should remain consistent with the Washington state fire defense regions:

- (a) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties;
- (b) Lower Columbia region - Kittitas, Yakima, and Klickitat counties;
- (c) Mid-Columbia region - Chelan, Douglas, and Grant counties;
- (d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Adams, and Lincoln counties;
- (e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;
- (f) Olympic region - Clallam and Jefferson counties;
- (g) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;
- (h) Southeast region - Benton, Franklin, Walla Walla, Columbia, Whitman, Garfield, and Asotin counties;

(i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

(2) Within each of the regions there is created a regional law enforcement mobilization committee. The committees shall consist of the sheriff of each county in the region, the district commander of the Washington state patrol from the region, a number of police chiefs within the region equivalent to the number of counties within the region plus one, and the director of the counties' emergency management office. The police chief members of each regional committee must include the chiefs of police of each city of ninety-five thousand or more population, and the number of members of the committee shall be increased if necessary to accommodate such chiefs. Members of each regional mobilization committee shall select a chair, who shall have authority to implement the regional plan, and a secretary as officers. Members serving on the regional mobilization committees shall not be eligible for reimbursement for meeting-related expenses from the state.

(3) The regional mobilization committees shall work with the relevant local government entities to facilitate development of intergovernmental agreements if any such agreements are required to implement a regional law enforcement mobilization plan.

(4) Regional mobilization committees shall develop regional law enforcement mobilization plans that include provisions for organized law enforcement agencies to respond across municipal, county, or regional boundaries. Each regional mobilization plan shall be consistent with the incident command system, the Washington state law enforcement mobilization plan, and regional response plans adopted prior to the effective date of this act.

(5) Each regional plan, adopted under subsection (4) of this section shall be approved by the state law enforcement mobilization policy board before implementation.

**NEW SECTION. Sec. 11.** The state patrol in consultation with the Washington association of sheriffs and police chiefs and the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from funds appropriated specifically for this purpose when jurisdictions are mobilized under the Washington state law enforcement mobilization plan.

Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost law enforcement authority for reimbursement of expenses incurred in providing law enforcement resources for mobilization.

**NEW SECTION. Sec. 12.** Sections 6 through 11 of this act are each added to chapter 43.43 RCW. "

Renumber the remaining section consecutively and correct the title and any internal references accordingly.

Representatives Lovick and Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Senate Bill No. 5935, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5935, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 93.

Excused: Representatives Cox, Edwards, Grant, Kessler and Mr. Speaker - 5.

SENATE BILL NO. 5935, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Hatfield presiding) called upon Representative Lovick to preside.

**SENATE BILL NO. 5662, By Senators Hale, T. Sheldon and Schmidt**

**Clarifying community economic revitalization board membership provisions.**

The bill was read the second time.

Representative Veloria moved the adoption of amendment (403):

On page 1, line 17, after "senate." strike all material through "development." on line 19

On page 3, line 2, after "~~and housing~~")" strike "committee of the" and insert "((~~committee of the~~))"

On page 3, line 2, after "representatives" strike "that deals with issues of economic development"

On page 3, line 10, after "senate" strike "committee" and insert "((~~committee~~))"

On page 3, line 10, after "((~~of the senate~~))" strike "that deals with issues of economic development"

Representatives Veloria and Skinner spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5662, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5662, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cox and Edwards - 2.

SENATE BILL NO. 5662, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5409, By Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon, Roach, Fairley, Schmidt, Kline, Swecker, Reardon, Deccio, Doumit, McCaslin, Parlette, Esser, Rasmussen and Shin)**

**Providing for direct petition annexations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Moeller moved the adoption of amendment (404):

On page 12, after line 14, insert the following:

**"NEW SECTION. Sec. 14.** (1) The legislature finds that the inability of cities and towns to continue to utilize the petition method of annexation established by RCW 35.13.125 through 35.13.160 and 35A.14.120 through 35A.14.150 poses a threat to the public peace, health, and safety, and to the support of the state government and its existing public institutions. This threat results from, without limitation, the absence of a statutory means for municipal annexation of property that is unoccupied, or that is occupied only by persons ineligible to vote in city or town elections; the inability of cities and towns to complete annexations that are necessary for orderly implementation of plans, regulations, and ordinances relating to growth management; and the uncertainty regarding enforceability of agreements for municipal water and sewer service provided by cities and towns to customers outside municipal boundaries. The legislature further finds that this threat results from the decision of the Washington state supreme court in *Grant County Fire Protection District No. 5 v. City of Moses Lake*, 145 Wn.2d 702 (2002), holding that the petition method of annexation authorized by RCW 35.13.125 through 35.13.160 and 35A.14.120 through 35A.14.150 is unconstitutional.

(2) The legislature intends this act to provide for a limited method of annexation by cities and towns based on utility service or utility agreements with property owners.

**Sec. 15.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read as follows:

(1) City and town (~~(councils of second class cities and towns)~~) legislative bodies may by a majority vote annex new unincorporated territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when such territory is owned by the city or town or all of the owners of the real property in the territory give their written consent to the annexation.

(2) City and town legislative bodies may by a majority vote annex new unincorporated contiguous territory outside the city or town limits where the city or town provides, or by agreement with property owners has committed to provide, retail sewer or retail water service to at least seventy-five percent of the territory proposed for annexation.

(3) Territory annexed pursuant to subsection (2) of this section must be within the urban growth areas established pursuant to RCW 36.70A.110, or, for jurisdictions not planning under RCW 36.70A.040, otherwise qualified for annexation.

(4) Prior to a city or town legislative body voting on an annexation pursuant to subsection (2) of this section, the legislative body shall fix a date for a public hearing thereon and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the city or town. The notice shall also contain a legal description of the territory proposed for annexation, shall be posted in three public places within the territory proposed for annexation, and shall specify the time and place of the hearing and invite interested persons to appear and voice approval or disapproval of the annexation.

(5) Following the hearing, the city or town legislative body shall determine by ordinance whether annexation shall be made. Subject to RCW 35.02.170, the legislative body may annex all or any portion of the

proposed area but may not include in the annexation any territory not described in the notice. Upon passage of the ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed territory is located.

**Sec. 16.** RCW 35A.14.300 and 1981 c 332 s 7 are each amended to read as follows:

(1) Legislative bodies of code cities may by a majority vote annex territory outside the limits of such city whether contiguous or noncontiguous for any municipal purpose when such territory is owned by the city.

(2) Legislative bodies of code cities may by a majority vote annex contiguous territory outside the limits of such city where the city provides, or by agreement with property owners has committed to provide, retail sewer or retail water service to at least seventy-five percent of the territory proposed for annexation.

(3) Territory annexed pursuant to subsection (2) of this section must be within the urban growth areas established pursuant to RCW 36.70A.110, or, for jurisdictions not planning under RCW 36.70A.040, otherwise qualified for annexation.

(4) Prior to a city legislative body voting on an annexation pursuant to subsection (2) of this section, the legislative body shall fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the city. The notice shall also contain a legal description of the territory proposed for annexation, shall be posted in three public places within the territory proposed for annexation, and shall specify the time and place of the hearing and invite interested persons to appear and voice approval or disapproval of the annexation.

(5) Following the hearing, if the city legislative body determines to effect the annexation, they shall do so by ordinance. Subject to RCW 35A.14.410, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any territory not described in the notice. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed territory is located.

**NEW SECTION. Sec. 17.** The method of annexation provided for in sections 15 and 16 of this act shall be an alternative to existing methods, not superseding any other.

**Sec. 18.** RCW 64.06.020 and 1996 c 301 s 2 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following format and that contains, at a minimum, the following information:

#### INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

#### NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE THREE BUSINESS DAYS, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY

ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If "Yes" attach a copy or explain. If necessary use an attached sheet.

**1. TITLE**

Yes       No       Don't know      A. Do you have legal authority to sell the property?

Yes       No       Don't know      \*B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

Yes       No       Don't know      \*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes       No       Don't know      \*D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?

Yes       No       Don't know      \*E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes       No       Don't know      \*F. Is there any study, survey project, or notice that would adversely affect the property?

Yes       No       Don't know      \*G. Are there any pending or existing assessments against the property?

- Yes       No       Don't know      \*H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?
- Yes       No       Don't know      \*I. Is there a boundary survey for the property?
- Yes       No       Don't know      \*J. Are there any covenants, conditions, or restrictions which affect the property?
- Yes       No       Don't know      \*K. Are there any utility service or annexation agreements that affect the property?

## 2. WATER

### A. Household Water

- (1) The source of the water is  
 Public    Community  
 Private    Shared

(2) Water source information:

- Yes       No       Don't know      \*a. Are there any written agreements for shared water source?
- Yes       No       Don't know      \*b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
- Yes       No       Don't know      \*c. Are any known problems or repairs needed?
- Yes       No       Don't know      \*d. Does the source provide an adequate year round supply of potable water?
- Yes       No       Don't know      \*(3) Are there any water treatment systems for the property?  Leased  Owned

### B. Irrigation

Yes       No       Don't know

(1) Are there any water rights for the property?

Yes       No       Don't know

\*(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

Yes       No       Don't know

\*(3) If so, is the certificate available?

### C. Outdoor Sprinkler System

Yes       No       Don't know

(1) Is there an outdoor sprinkler system for the property?

Yes       No       Don't know

\*(2) Are there any defects in the outdoor sprinkler system?

## 3. SEWER/SEPTIC SYSTEM

A. The property is served by:  Public sewer main,  Septic tank system  Other disposal system (describe)

Yes       No       Don't know

B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

D. If the property is connected to a septic system:

Yes       No       Don't know

(1) Was a permit issued for its construction, and was it approved by the city or county following its construction?

(2) When was it last pumped:



, 19 . . .

Yes       No       Don't know

\*(3) Are there any defects in the operation of the septic system?

Don't know

(4) When was it last inspected?

, 19 . . .

By Whom:

Don't know

(5) How many bedrooms was the system approved for?

bedrooms

Yes       No       Don't know

\*E. Do all plumbing fixtures, including laundry drain, go to the septic/sewer system? If no, explain:

Yes       No       Don't know

\*F. Are you aware of any changes or repairs to the septic system?

Yes       No       Don't know

G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

#### 4. STRUCTURAL

Yes       No       Don't know

\*A. Has the roof leaked?

Yes       No       Don't know

If yes, has it been repaired?

Yes       No       Don't know

\*B. Have there been any conversions, additions, or remodeling?

Yes       No       Don't know

\*1. If yes, were all building permits obtained?

Yes       No       Don't know

\*2. If yes, were all final inspections obtained?

Yes       No       Don't know      C. Do you know the age of the house? If yes, year of original construction:

Yes       No       Don't know      \*D. Do you know of any settling, slippage, or sliding of either the house or other structures/improvements located on the property? If yes, explain:

No       Don't know      \*E. Do you know of any defects with the following: (Please check applicable items)

Yes

- Foundations
- Decks
- Exterior Walls
- Chimneys
- Interior Walls
- Fire Alarm
- Doors
- Windows
- Patio
- Ceilings
- Slab Floors
- Driveways
- Pools
- Hot Tub
- Sauna
- Sidewalks
- Outbuildings
- Fireplaces
- Garage Floors
- Walkways
- Wood Stoves
- Other

Yes       No       Don't know      \*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?

Yes       No       Don't know      \*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

## 5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

Yes       No       Don't know

\*A. Electrical system, including wiring, switches, outlets, and service

Yes       No       Don't know

\*B. Plumbing system, including pipes, faucets, fixtures, and toilets

Yes       No       Don't know

\*C. Hot water tank

Yes       No       Don't know

\*D. Garbage disposal

Yes       No       Don't know

\*E. Appliances

Yes       No       Don't know

\*F. Sump pump

Yes       No       Don't know

\*G. Heating and cooling systems

Yes       No       Don't know

\*H. Security system  
 Owned  Leased

\*I. Other

## 6. COMMON INTEREST

Yes       No       Don't know

A. Is there a Home Owners' Association?  
Name of Association

Yes       No       Don't know

B. Are there regular periodic assessments:

\$ . . . per  Month  Year  
 Other

Yes       No       Don't know      \*C. Are there any pending special assessments?

Yes       No       Don't know      \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

## 7. GENERAL

Yes       No       Don't know      \*A. Is there any settling, soil, standing water, or drainage problems on the property?

Yes       No       Don't know      \*B. Does the property contain fill material?

Yes       No       Don't know      \*C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes       No       Don't know      D. Is the property in a designated flood plain?

Yes       No       Don't know      \*E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?

Yes       No       Don't know      \*F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?

Yes       No       Don't know      \*G. Has the property ever been used as an illegal drug manufacturing site?

## 8. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes       No       Don't know      \*Are there any other material defects affecting this property or its value that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE                                      SELLER                                      SELLER

**II. BUYER'S ACKNOWLEDGMENT**

As buyer(s), I/we acknowledge the duty to pay diligent attention to  
A. any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.

Each buyer acknowledges and understands that the disclosures set  
B. forth in this statement and in any amendments to this statement are made only by the seller.

Buyer (which term includes all persons signing the "buyer's  
C. acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE THREE BUSINESS DAYS, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF RESCISSION. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE . . . . . BUYER . . . . . BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction."

Renumber the remaining sections consecutively and correct the title.

**POINT OF ORDER**

Representative Schindler requested a Scope and Object ruling on amendment #404 to Substitute Senate Bill No. 5409.

## **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "Under precedent established by previous rulings in the House, the Speaker first looks to the title of a bill in determining scope and object questions. Substitute Senate Bill No. 5409 is entitled an act relating to "providing a new direct petition annexation method". Amendment #404 does not relate to the direct petition annexation method, but rather a method of annexation based on utility service or utility agreements. The Speaker therefore finds that the amendment is beyond the scope and object of the bill.

Representative Schindler, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5409, as amended by the House.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5409, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Boldt - 1.

Excused: Representatives Cox and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5409, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5144, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Oke)**

**Protecting forest land from exotic forest insects or diseases.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Holmquist moved the adoption of amendment (392) to the committee amendment:

On page 1, line 23 of the amendment, after "(1)" insert ""Affected tribes" means any tribal entity that owns either the land, or the land adjacent to the land, where a forest emergency operation that is exempt from the forest practices application or notification requirements, under RCW 76.09.060, will occur.

(2)"

On page 1, line 25 of the amendment, strike "(2)" and insert "~~((2))~~ (3)"

On page 1, line 26 of the amendment, strike "(3)" and insert "~~((3))~~ (4)"

On page 1, line 28 of the amendment, strike "(4)" and insert "~~((4))~~ (5)"

On page 2, line 4 of the amendment, strike "(5)" and insert "(6)"

On page 2, line 5 of the amendment, strike "(6)" and insert "(7)"

On page 2, line 6 of the amendment, strike "(7)" and insert "(8)"

On page 2, line 10 of the amendment, strike "(8)" and insert "(9)"

On page 2, line 14 of the amendment, strike "(9)" and insert "(10)"

On page 2, line 18 of the amendment, strike "(10)" and insert "(11)"

On page 2, line 23 of the amendment, strike "(11)" and insert "(12)"

On page 2, line 28 of the amendment, strike "(12)" and insert "(13)"

On page 2, line 30 of the amendment, strike "(13)" and insert "(14)"

On page 2, line 32 of the amendment, strike "(14)" and insert "(15)"

Correct internal references accordingly.

Representatives Holmquist and Schoesler spoke in favor of the adoption of the amendment.

Representatives Rockefeller and Linville spoke against the adoption of the amendment.

The amendment to the committee amendment was not adopted.

Representative Rockefeller moved the adoption of amendment (382) to the committee amendment:

On page 15, after line 13 of the amendment, insert the following:

**"NEW SECTION. Sec. 7.** The legislature finds that since 1995, large numbers of oak and tanoak trees have been dying in the coastal counties of California. The legislature also finds that the disease causing the tree loss, which is commonly referred to as Sudden Oak Death Syndrome, has, as of the effective date of this act, been confirmed in twelve California counties, and one Oregon county. The legislature also finds that in addition to affecting several species of oak, this disease has been confirmed to affect several plant species common in Washington's forests, including Douglas Fir, big leaf maple, huckleberry, rhododendron, madrone, and manzanita. The legislature recognizes that the state of California and the United States department of agriculture have adopted restrictions on the movement of articles that may host the disease, and the state of Oregon and the Canadian government have adopted restrictions on the importation of potential host articles. The legislature finds that an introduction of Sudden Oak Death Syndrome into Washington could cause potential damage to the state's forest health, leading to both economic and ecological losses.

**NEW SECTION. Sec. 8.** A new section is added to chapter 17.24 RCW to read as follows:  
The department and the department of natural resources shall coordinate their Sudden Oak Death Syndrome response efforts with other plant pest agencies and private organizations to exchange information, monitor the confirmed incidences of the disease, and take action as appropriate under existing plant pest control authorities to prevent the introduction of the disease into Washington and to control or eradicate the disease if it is determined to be present in the state."

Correct the title.

## POINT OF ORDER

Representative Schoesler requested a scope and object ruling on amendment (382) to Substitute Senate Bill No. 5144.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 5144, and the bill held its place on Second Reading.

### **SUBSTITUTE SENATE BILL NO. 5751, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Hargrove)**

#### **Concerning the sale of valuable material from state lands.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Buck moved the adoption of amendment (383):

On page 5, after line 33, insert the following:

"**Sec. 5.** RCW 43.21C.037 and 1997 c 173 s 6 are each amended to read as follows:

(1) Decisions pertaining to (~~applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050,)~~ the following are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended:

(a) Applications for class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050; and

(b) Individual sales of valuable materials, as that term is defined in RCW 79.01.038, from state trust lands, including federally granted trust lands, forest board transfer lands, forest board purchase lands, and community college reserve trust lands, that are harvested under a class I, II, or III forest practices application, if a programmatic detailed environmental impact statement has been finalized for the ten-year sustained yield plan required under chapter 79.68 RCW.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices (a) on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, or (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted.

**NEW SECTION. Sec. 6.** A new section is added to chapter 79.01 RCW to read as follows:

Individual sales of valuable materials from state trust lands, including federally granted trust lands, forest board transfer lands, forest board purchase lands, and community college reserve trust lands, that are harvested under a class I, II, or III forest practices application, are not subject to the requirements of RCW 43.21C.030(2)(c) if a programmatic detailed environmental impact statement has been finalized for the ten-year sustained yield plan required under chapter 79.68 RCW."

Correct the title.



## POINT OF ORDER

Representative Rockefeller requested a scope and object ruling on amendment #383 to Substitute Senate Bill No. 5751.

## SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "In ruling on the point of order raised by Representative Rockefeller, the Speaker finds that Substitute Senate Bill No. 5751 is entitled an act relating to "sales of valuable materials". The bill amends several sections of Chapter 79.01 RCW, the Public Lands Act, that relate to the dollar amounts and notice requirements for sales of valuable material under DNR purview.

The amendment also relates to the sales of valuable materials, and fits within the title of the bill. But its provisions are not related to the dollar amounts and notice requirements for such sales. Rather, the amendment relates to requirements for environmental impact statements and includes changes to the State Environmental Policy Act, Chapter 43.21C RCW.

The Speaker therefore finds that the amendment is beyond the scope and object of the bill. Representative Rockefeller, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5751, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5751, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cox and Edwards - 2.

SUBSTITUTE SENATE BILL NO. 5751, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5776, By Senate Committee on Land Use & Planning (originally sponsored by Senators Doumit, Morton, Hargrove, Mulliken, Rasmussen, Swecker, Haugen, Zarelli, Reardon, Parlette, McAuliffe and Winsley)**

**Providing an appeal process for state agency and local government permit decisions for economic development projects.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

Representative Kessler moved the adoption of amendment (393):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this chapter is to reform the process of appeal and review of final permit decisions made by state agencies and local governments for qualifying economic development projects, by establishing uniform, expedited, and coordinated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely review. The appeal process authorized in this chapter is intended to be the exclusive process for review of final decisions made by state agencies and local governments on permit applications for qualifying economic development projects, superseding other existing administrative board and judicial appeal procedures.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the environmental and land use hearings board established in this chapter.

(2) "Final decision" means the highest and last decision available within the permit agency with respect to a permit application to the agency, including but not limited to decisions resulting from internal appeals available within the agency for the permit decision.

(3) "Participating permit agency" means any permit agency in which the applicant for a qualifying project has filed an application for an environmental or land use permit that is required for the qualifying project.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the land, air, or water in the state. This document must be required to be obtained from a state agency or local government, including but not limited to counties, cities, and air agencies, prior to constructing or operating a qualifying project. Local government permits include, but are not limited to, subdivisions, binding site plans, planned unit developments, shoreline permits or other approvals under RCW 90.58.140, master plan approvals, site plan approvals, permits or approvals required by critical area ordinances, conditional use permits, variances, and site-specific rezones authorized by a comprehensive plan or subarea plan or other equivalent documents however titled or denominated. Local government permits excluded under this definition include the adoption or amendment of a comprehensive plan, subarea plan, legislative actions on development regulations, certifications by local health districts of water and sewer availability, and building, grading, flood hazard, utility connection, and other nondiscretionary construction permits.

(5) "Permit agency" means any state agency or local government, including but not limited to air agencies, authorized by law to issue permits.

(6) "Qualifying project" means an economic development project that is (a) located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3) and a rural natural resources impact area as defined in RCW 43.160.020, (b) designed to provide at least thirty full-time year-round jobs, and (c) designated as a qualifying project by the office of permit assistance established under chapter 43.42 RCW if a request for a determination of such designation is made to the office by the project applicant as provided under this chapter.

**NEW SECTION. Sec. 3.** The appeal process authorized in this chapter shall, notwithstanding any other provisions of this code, be the exclusive process for review of the decisions made by participating permit agencies on permit applications for a qualifying project. This chapter shall not apply to applications for certification by the energy facility site evaluation council pursuant to chapter 80.50 RCW. The superior court civil rules and the rules of appellate procedure shall govern procedural matters for the judicial appeal process under this chapter to the extent that the rules are consistent with this chapter.

**NEW SECTION. Sec. 4.** (1) Any applicant for a project that meets the criteria set forth in section 2(6)(a) and (b) of this act may use the process of appeal and review of this chapter by filing with the office of permit assistance a request for a determination of designation as a qualifying project as required in section 2(6)(c) of this act. Such request shall be filed with the office no later than thirty days after the filing with a permit agency of the first application for a permit relating to the subject project that is filed after the effective date of this act. No requests may be filed with the office of permit assistance after December 31, 2010. The request shall include a list of permits that the project applicant reasonably believes will be required for the subject project.

(2) The office of permit assistance shall: (a) Respond to such request within thirty days after the filing of the request; and (b) if the office determines to designate the project as a qualifying project under section 2(6)(c) of this act, contemporaneously provide a copy of the designation response to all permit agencies responsible for the project permits listed in the request. The office of permit assistance shall provide notice of any project

designation to the code reviser for publication in the state register and to any persons that have filed with the office of permit assistance a general request for such notice. Nothing in this section creates an independent cause of action or affects any existing cause of action.

(3) All final decisions of a permit agency notified under subsection (2) of this section shall include the following sentence: Any appeal of this decision shall be in accordance with the provisions of this chapter.

**NEW SECTION. Sec. 5.** (1) An environmental and land use hearings board is hereby established within the environmental hearings office created under RCW 43.21B.005. The environmental and land use hearings board shall be composed of six members, as provided in RCW 90.58.170. The chairperson of the pollution control hearings board shall be the chairperson of the environmental and land use hearings board. The members of the environmental and land use hearings board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

(2) All proceedings before the board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may adopt. In all such proceedings, the board shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as set forth in RCW 34.05.446. The board shall publish any such rules and arrange for the reasonable distribution thereof. Failure to adopt such rules shall not deprive the board of jurisdiction nor relieve the board of the duty to hear petitions for review filed under this chapter.

**NEW SECTION. Sec. 6.** (1) Proceedings for review under this chapter shall be commenced by filing a petition with the environmental and land use hearings board. The board may adopt by rule procedures for filing and service that are consistent with this chapter.

(2) Such petition is barred, and the board may not grant review, unless the petition is timely filed with the board and timely served on the following persons who shall be parties to the review of the petition:

(a) The participating permit agencies, which for purposes of the petition shall be (i) if a state agency, the director thereof, and (ii) if a local government, the jurisdiction's corporate entity which shall be served as provided in RCW 4.28.080; and

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address as applicant in the application to the participating permit agencies;

(ii) Each person identified in project application documents as an owner of the property at issue or, if none, each person identified as a taxpayer for the property at issue in the records of the county assessor.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance by the permit agency of the permit for the qualifying project.

(4) For the purposes of this section, the date on which a permit decision is issued is:

(a) Three days after a written decision is mailed by the permit agency to the project applicant or, if not mailed, the date on which the permit agency provides notice that a written decision is publicly available; or

(b) If (a) of this subsection does not apply, the date the decision is entered into the public record.

(5) Service on all parties shall be by personal service or by mail. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

**NEW SECTION. Sec. 7.** Standing to bring a petition under this chapter is limited to the following persons:

(1) The applicant and the owner of the property to which the permit decision is directed;

(2) Another person aggrieved or adversely affected by the permit decision, or who would be aggrieved or adversely affected by a reversal or modification of the permit decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The permit decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the permit agency was required to consider when it made its permit decision;

(c) A decision of the board in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the permit decision; and

(d) The petitioner has exhausted his or her administrative remedies to the extent required by law;

(3) A participating permit agency under this chapter.

**NEW SECTION. Sec. 8.** A petition must set forth:

(1) The name and mailing address of the petitioner;

(2) The name and mailing address of the petitioner's attorney, if any;

(3) The name and mailing address of the permit agency whose permit is at issue, if any;

(4) A duplicate copy of the permit decision;

(5) Identification of each person to be made a party under this chapter;

(6) Facts demonstrating that the petitioner has standing to seek board review under this chapter;

(7) A separate and concise statement of each error alleged to have been committed;

- (8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and
- (9) A request for relief, specifying the type and extent of relief requested.

**NEW SECTION. Sec. 9.** (1) Within seven days after receipt of service of the petition filed pursuant to section 6 of this act, the project applicant shall file with the board and serve on all parties an affidavit certifying all applications for permits that the project applicant has filed with participating permit agencies for the qualifying project, provided, however, that no permit may be included that has been issued and appealed to an administrative hearings board or to court prior to the date of service of the petition filed with the board under this chapter. The board shall request verification from the participating agencies of the permit applications certified in the project applicant's affidavit and of the expected date for final decision on the permit applications. Filing of the affidavit shall toll the schedule for hearing by the board until twenty-one days after issuance of the final permit decision on the last permit required for the qualifying project that has been certified in the project applicant's affidavit and verified by a participating agency as applied for, unless the petition filed and served by the petitioner relates to the final permit decision.

(2) Within seven days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project, the petitioner shall note an initial hearing on jurisdictional and other preliminary matters, and, if applicable, on other pretrial matters. This initial hearing shall be set no sooner than thirty-five days and not later than fifty days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project.

(3) If petitions for review of more than one permit issued by participating permit agencies for a qualifying project are filed with the board, the board shall contemporaneously process all such petitions in accordance with the case schedule requirements set forth in this act.

(4) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner.

(5) The defenses of lack of standing, untimely filing or service of the petition, lack of good faith or improper purpose in filing, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the board allows discovery on such issues.

(6) The petitioner shall move the board for an order at the initial hearing that sets the date on which the permit decision record or records of the applicable permit agency or agencies, if any, must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and schedules a hearing or hearings on the merits.

(7) The parties may waive the initial hearing by scheduling with the board a date for the hearing or hearings on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (5) and (6) of this section.

(8) A party need not file an answer to a petition for review filed pursuant to section 6 of this act.

**NEW SECTION. Sec. 10.** The board shall provide expedited review of petitions filed under this chapter. Any matter reviewed on the decision record as provided in section 13(1) of this act must be set for hearing within sixty days of the date set for submitting the decision record of all participating permit agencies, absent a showing of good cause for a different date or a stipulation of the parties. Any matter reviewed de novo as provided in section 13(3) of this act must be set for hearing or trial no later than one hundred twenty days after the initial hearing date. The board shall issue a final decision and order within thirty days after the final hearing required in this section.

**NEW SECTION. Sec. 11.** (1) A petitioner or other party may request the board to stay or suspend an action by a participating permit agency or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) The board may grant a stay only if the board finds that: (a) The party requesting the stay is likely to prevail on the merits, (b) without the stay the party requesting it will suffer irreparable harm, (c) the grant of a stay will not substantially harm other parties to the proceedings, and (d) the request for the stay is timely in light of the circumstances of the case.

(3) The board may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

**NEW SECTION. Sec. 12.** (1) Within forty-five days after entry of an order to submit the decision record, where applicable, or within such a further time as the board allows or as the parties agree, each participating agency shall submit to the board a certified copy of the decision record for board review of the permit decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the board, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the board.

(3) The petitioner shall pay the participating agency the cost of preparing the record before the participating agency submits the decision record to the board. Failure by the petitioner to timely pay the participating agency relieves the participating agency of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the board shall equitably assess the cost of preparing the record among the parties. In assessing costs the board shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

**NEW SECTION. Sec. 13.** (1) For all permit decisions being reviewed that were made by quasi-judicial bodies or permit agency officers who made factual determinations in support of the decisions, after the conduct of proceedings in which the parties had an opportunity consistent with due process to make records on the factual issues, board review of factual issues and the conclusions drawn from the factual issues shall be confined to the records created by the quasi-judicial bodies or permit agency officers, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the records may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the permit decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to a permit decision proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the permit decision.

(3) For permit decisions other than those described in subsection (1) of this section, the board review of the permit decision shall be de novo on issues presented as error in the petition.

(4) The board may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5)(a) The parties may not conduct pretrial discovery except with the prior permission of the board, which may be sought by motion, subject to any applicable rules adopted by the board, at any time after service of the petition. The board shall not grant permission unless the party requesting it makes a prima facie showing of need. The board shall strictly limit discovery to what is necessary for equitable and timely review of the issues.

(b) If the board allows the record to be supplemented, or in any de novo proceeding under subsection (3) of this section, the board shall require the parties to disclose before the hearing or trial on the merits the identity of witnesses and the specific evidence they intend to offer.

(c) If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties, and the board shall take such request into account in fashioning an equitable discovery order under this section.

**NEW SECTION. Sec. 14.** (1) The board shall review the decision record and all such evidence as is permitted to supplement the record for review restricted to the decision record or is required for de novo review under section 13 of this act. The board may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the permit decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The permit decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by an agency with expertise;

(c) The permit decision is not supported by evidence that is substantial when viewed in light of the whole record before the board;

(d) The permit decision is a clearly erroneous application of the law to the facts;

(e) The permit decision is outside the authority or jurisdiction of the body or officer making the decision;

or

(f) The permit decision violates the constitutional rights of the party seeking relief.

(2) The board may affirm or reverse each and every permit decision under review or remand the decision for modification or further proceedings involving the permit agencies.

**NEW SECTION. Sec. 15.** (1) In order to obtain judicial review of a final decision of the environmental and land use hearings board, a party to the board case as consolidated shall timely file a petition for judicial review in the superior court for Thurston county and timely serve the board and all parties to the proceedings before the board by personal service or by mail. Such petition is timely filed and served only if it is filed and served on all parties within thirty days after the filing of the final decision and order of the board. Service by mail shall be deemed effective on the date of deposit with the United States postal service. Any party may apply for direct review by the court of appeals. An application for direct review must be filed with the superior court within ten days after the filing of the petition for judicial review. In considering an application for direct review

under this chapter, it shall be presumed that: (a) The qualifying project presents fundamental and urgent issues affecting the public interest which require a prompt determination, and (b) delay in obtaining a final and prompt determination of such issues would be detrimental to a party and the public interest.

(2) The presumption set forth in subsection (1) of this section shall require that the superior court certify the direct review not less than ten days, and not more than fifteen days, after the filing of the application therefore, unless, upon motion of a party with supporting excerpts from the record within ten days after the filing of such application, the superior court finds that: (a) The project is not a qualifying project, or (b) the project will not in fact provide new employment within the county in which the project is located. The court may make such findings upon a showing that said record contains clear, cogent, and convincing evidence to support such findings, which evidence has been testified to by at least one witness competent to testify on employment matters.

(3) A motion as set forth in subsection (2) of this section shall be heard within fourteen days after the filing of the motion and shall be confined to certified excerpts from the record, which any party may produce. It shall not be necessary to certify the entire record to the court for the purpose of hearing such motion.

(4) The court of appeals shall accept direct review of a case unless it finds that the superior court's certification under the standards contained in this section was clearly erroneous. Review by the court of appeals shall be restricted to the decision record of the permit agency and the board proceedings. All certified appeals shall be provided priority processing by the court of appeals.

**Sec. 16.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value. Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**Sec. 17.** RCW 36.70C.030 and 1995 c 347 s 704 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board, the environmental and land use hearings board, or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**Sec. 18.** RCW 43.21B.005 and 1999 c 125 s 1 are each amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, the environmental and land use hearings board created in chapter 43.-- RCW (sections 1 through 15 of this act), and the hydraulic appeals board created in RCW (~~75.20.130~~) 77.55.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

**Sec. 19.** RCW 43.21B.110 and 2001 c 220 s 2 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 20.** RCW 76.09.220 and 1999 sp.s. c 4 s 902 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 21.** RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:



(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 77.55.110 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 22.** RCW 90.58.180 and 1997 c 199 s 1 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to

adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

NEW SECTION. **Sec. 23.** Sections 1 through 15 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 24.** The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations.

NEW SECTION. **Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Kessler and Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kessler, Armstrong, Clements and Shabro spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5776, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Chase, Kirby, McDermott, Moeller, Romero, Schual-Berke, Simpson, and Upthegrove - 8.

Excused: Representatives Cox and Edwards - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5776, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Engrossed Substitute Senate Bill No. 5776.

MARY LOU DICKERSON, 36<sup>th</sup> District

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

With the consent of the House, the Rules Committee was relieved of further consideration of the following bills, and the bills were placed on the Second Reading calendar:

SUBSTITUTE SENATE BILL NO. 5023,  
SUBSTITUTE SENATE BILL NO. 5028,  
ENGROSSED SENATE BILL NO. 5106,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,  
SUBSTITUTE SENATE BILL NO. 5189,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192,  
ENGROSSED SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5221,  
SUBSTITUTE SENATE BILL NO. 5274,  
SENATE BILL NO. 5284,  
SUBSTITUTE SENATE BILL NO. 5345,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,  
SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5434,  
SUBSTITUTE SENATE BILL NO. 5575,  
SUBSTITUTE SENATE BILL NO. 5641,  
SENATE BILL NO. 5654,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5824,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,  
SENATE BILL NO. 5893,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5904,  
SUBSTITUTE SENATE BILL NO. 5912,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SUBSTITUTE SENATE BILL NO. 5974,  
SUBSTITUTE SENATE BILL NO. 5995,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,  
SENATE JOINT MEMORIAL NO. 8004,

There being no objection, the House adjourned until 10:00 a.m., April 15, 2003, the 93<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY SECOND DAY, APRIL 14, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**NINETY THIRD DAY**

---

House Chamber, Olympia, Tuesday, April 15, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages William Reams and Ashley Mastin. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dan Secrist, Faith Assembly of Lacey.

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

## **RESOLUTION**

### HOUSE RESOLUTION NO. 2003-4656, By Representative Kessler

WHEREAS, Volunteer health clinics are a critical part of the health care system in the state of Washington; and

WHEREAS, These clinics meet the fundamental health care needs of many individuals and families in the state of Washington including the uninsured, the underinsured, and others who lack access to a primary care physician; and

WHEREAS, Volunteer health clinics, sponsored by community organizations, churches, and health care professionals, are a fine example of communities working together to address local needs; and

WHEREAS, Volunteer health clinics are staffed by dedicated volunteers whose compassion and expertise are critical to protecting public health; and

WHEREAS, There are a growing number of volunteer health clinics across the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the valuable contribution the health professionals, community volunteers, and sponsors of the Volunteer Health Clinics are providing in meeting the health needs of the citizens of the state of Washington.

House Resolution No. 4656 was adopted.

## **MESSAGES FROM THE SENATE**

April 14, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5094,  
SENATE BILL NO. 5134,  
SUBSTITUTE SENATE BILL NO. 5407,  
SUBSTITUTE SENATE BILL NO. 5996,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 14, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5256,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5396,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 14, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5786,  
SUBSTITUTE SENATE BILL NO. 5868,  
SUBSTITUTE SENATE BILL NO. 5933,  
SENATE BILL NO. 5970,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 15, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1037,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1200,  
ENGROSSED HOUSE BILL NO. 1427,  
SUBSTITUTE HOUSE BILL NO. 1785,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
HOUSE BILL NO. 1815,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 14, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1206,  
HOUSE BILL NO. 1294,  
ENGROSSED HOUSE BILL NO. 1388,  
HOUSE BILL NO. 1612,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 14, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5319,  
SECOND SUBSTITUTE SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5545,  
SENATE BILL NO. 5583,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,  
SUBSTITUTE SENATE BILL NO. 6028,  
SENATE BILL NO. 6029,  
SENATE BILL NO. 6052,

and the same are herewith transmitted.

Milt H. Doumit

April 15, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1222,  
SUBSTITUTE HOUSE BILL NO. 1232,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,  
SUBSTITUTE HOUSE BILL NO. 2033,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., April 16, 2003, the 94<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY THIRD DAY, APRIL 15, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**NINETY FOURTH DAY**

---

House Chamber, Olympia, Wednesday, April 16, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jillian Maley and Cierra Williams. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Michael Latz, Temple B'Nai Torah, Seattle.

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

**MESSAGES FROM THE SENATE**

April 15, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5529,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5531,  
SENATE BILL NO. 5614,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6074,  
SENATE BILL NO. 6057,  
SUBSTITUTE SENATE BILL NO. 6058,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 15, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1252,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,  
ENGROSSED HOUSE BILL NO. 1395,  
HOUSE BILL NO. 1654,  
HOUSE BILL NO. 1727,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed:

SENATE BILL NO. 5425,  
SENATE BILL NO. 5429,  
SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5561,  
SENATE BILL NO. 5632,  
SENATE BILL NO. 5651,  
SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5780,

The Speaker called upon Representative Lovick to preside.

With the consent of the House, Representative Edwards was excused.

The Representative Anderson moved to advance the House to the eighth order of business. An electronic roll call vote was requested and the demand was sustained.

The Speaker (Representative Lovick presided) stated the question before the House to be the motion by Representative Anderson to advance the House to the eighth order of business.

### **ROLL CALL**

The Clerk called the roll on the motion to advance the House to the eighth order of business and the motion failed the House by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representative Edwards - 1.

### **INTRODUCTION & FIRST READING**

HB 2246 by Representatives Buck and Kessler

AN ACT Relating to amending ESB 5938; and amending RCW 88.40.020.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2247 by Representatives Fromhold, McIntire, Lovick and Moeller

AN ACT Relating to cost-of-living increases for educational employees; amending RCW 28A.400.205, 28A.150.250, and 28A.150.260; adding a new section to chapter 28A.400 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2248 by Representatives Buck, Kessler and Rockefeller

AN ACT Relating to evidence of financial responsibility for vessels; and amending RCW 88.40.020.

HB 2249 by Representatives Kessler, Skinner, Rockefeller, Hatfield, Mielke, Carrell, Alexander, Nixon, Lovick, Darneille, O'Brien, Ahern, Orcutt, Berkey, Eickmeyer, Conway, McMahan, Talcott, Santos, Hunt, Moeller and Ruderman

AN ACT Relating to license renewals by members of the armed forces assigned, reassigned, or deployed out-of-state; adding a new section to chapter 43.24 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.16 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 9.46 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.07 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 43.12 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 43.320 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 48.02 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 66.08 RCW; adding a new section to chapter 67.16 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 80.01 RCW; adding a new section to chapter 82.01 RCW; adding a new section to chapter 88.16 RCW; adding a new section to chapter 89.08 RCW; creating a new section; and declaring an emergency.

HB 2250 by Representative Sommers

AN ACT Relating to education funds; amending RCW 84.52.068, 28A.505.210, 28A.150.380, and 67.70.240; reenacting and amending RCW 43.135.045; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2251 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to local effort assistance allocations; and amending RCW 28A.500.030.

Referred to Committee on Appropriations.

HB 2252 by Representatives Sommers, Fromhold and Moeller



AN ACT Relating to social service programs; and amending RCW 74.04.005.

Referred to Committee on Appropriations.

HB 2253 by Representatives Sommers and Fromhold

AN ACT Relating to library services to the legislature and state agencies; amending RCW 27.04.045, 27.18.010, 27.12.100, 40.06.020, 17.15.040, 40.06.030, 42.30.110, and 70.95C.060; repealing RCW 43.105.290; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2254 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to actuarial funding of the state retirement systems; amending RCW 41.45.035 and 41.45.054; reenacting and amending RCW 41.45.070; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2255 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to funding biotoxin testing and monitoring on beaches used for recreational shellfishing; amending RCW 77.32.520 and 77.32.470; adding a new section to chapter 77.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2256 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.165 and 74.46.506; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2257 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to the treatment of income and resources for institutionalized persons receiving medical assistance; amending RCW 74.09.575; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2258 by Representatives Sommers and Fromhold

AN ACT Relating to alternative route teacher certification; and amending RCW 28A.660.020, 28A.660.030, and 28A.660.050.

Referred to Committee on Appropriations.

HB 2259 by Representatives Sommers, Fromhold and Moeller

AN ACT Relating to compulsory school attendance; amending RCW 28A.225.015, 28A.225.020, 28A.225.025, and 28A.225.030; repealing RCW 28A.225.151; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2260 by Representatives Sommers, Fromhold, McIntire and Moeller

AN ACT Relating to cost-of-living increases for educational employees; amending RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2261 by Representatives Kagi and Cody

AN ACT Relating to services for persons with developmental disabilities; amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, 74.20A.030, 71A.10.020, 71A.10.030, 71A.10.050, 71A.12.020, 71A.12.040, 71A.12.050, 71A.12.090, 71A.18.010, 71A.18.020, 71A.18.030, 71A.18.050, 35.82.285, 71A.20.010, and 84.36.042; adding new sections to chapter 71A.18 RCW; adding a new section to chapter 71A.10 RCW; creating a new section; repealing RCW 71A.10.010, 71A.10.800, 71A.10.805, 71A.10.900, 71A.10.901, 71A.10.902, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and 71A.16.010; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2262 by Representative Cody

AN ACT Relating to license and certificate fees for health care providers; amending RCW 18.71.010, 18.73.030, 18.73.081, 43.70.110, and 43.70.250; and reenacting and amending RCW 18.71.205.

Referred to Committee on Appropriations.

ESSB 5071 by Senate Committee on Ways & Means (originally sponsored by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen)

AN ACT Relating to a business and occupation tax rate on certain FAR part 145 certificated repair stations; reenacting and amending RCW 82.04.250; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

SSB 5319 by Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon, Hale and Esser)

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

Referred to Committee on Finance.

2SSB 5341 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)

AN ACT Relating to a quality maintenance fee levied on nursing facilities; adding new sections to chapter 74.46 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing effective dates; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5364 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen; by request of Governor Locke)

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

SSB 5499 by Senate Committee on Highways & Transportation (originally sponsored by Senators Oke, Haugen, Horn and Winsley; by request of Department of Transportation)

AN ACT Relating to transferring accident data processing to the department of transportation; amending RCW 46.52.030, 46.52.050, 46.52.060, 46.52.065, 46.52.080, 46.52.085, and 46.29.060; reenacting and amending RCW 46.52.120; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5545 by Senate Committee on Ways & Means (originally sponsored by Senators Esser, Reardon, Poulsen, Sheahan and Winsley; by request of Department of Health)

AN ACT Relating to fees for certified copies of vital records; and amending RCW 70.58.107.

Referred to Committee on Appropriations.

SB 5583 by Senators Haugen, Shin, T. Sheldon, Hale and Rasmussen

AN ACT Relating to economic development; and amending RCW 82.04.4456, 82.04.4457, 82.16.0491, and 82.60.020.

Referred to Committee on Finance.

ESSB 5659 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)

AN ACT Relating to authorizing additional funding for local governments; amending RCW 84.52.043; reenacting and amending RCW 84.52.010; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.

ESB 5991 by Senators Stevens, Hargrove, Parlette, Regala, Carlson, McAuliffe and Winsley

AN ACT Relating to changing minimum requirements for the existing secure community transition facility; amending RCW 71.09.300; repealing RCW 71.09.270; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 6002 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens and Hargrove)

AN ACT Relating to collection of offenders' financial obligations; amending RCW 9.94A.760, 9.94A.750, 9.94A.780, 9.94A.637, and 4.56.100; reenacting and amending RCW 9.94A.753; adding new sections to chapter 9.94A RCW; adding a new section to chapter 36.23 RCW; adding a new

section to chapter 2.56 RCW; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 6023 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rossi, Fairley and Kohl-Welles)

AN ACT Relating to increasing certain assessments and penalties imposed by courts; amending RCW 3.62.090; reenacting and amending RCW 46.63.110; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 6028 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Spanel and Rasmussen)

AN ACT Relating to the business and occupation taxation of manufacturing flax seed into flax oil, flax seed meal, or flax seed byproducts; amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

SB 6029 by Senators Rossi and Fairley; by request of Office of Financial Management

AN ACT Relating to actuarial funding of the public employees', teachers', and school employees' retirement systems; amending RCW 41.45.010, 41.45.054, and 41.45.060; reenacting and amending RCW 41.45.070; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 6052 by Senators Johnson and Rossi; by request of Office of Financial Management

AN ACT Relating to alternative route teacher certification; and amending RCW 28A.660.020, 28A.660.030, and 28A.660.050.

Referred to Committee on Appropriations.

SJM 8022 by Senators Honeyford, Kohl-Welles, Johnson, McAuliffe, Sheahan, Rasmussen, Doumit, Morton, Hargrove, Parlette, T. Sheldon, Brandland, Eide, Schmidt, B. Sheldon, Mulliken, Hewitt, Prentice, West, McCaslin, Deccio, Hale, Swecker, Jacobsen, Shin, Esser, Oke, Kastama, Haugen, Franklin, Regala, Benton, Poulsen, Fairley, Fraser, Brown, Winsley, Roach, Thibaudeau, Kline, Reardon, Stevens, Zarelli, Spanel and Finkbeiner

Requesting just compensation to Washington state for the impact of federal land ownership on the state's ability to fund public education.

Referred to Committee on Finance.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2248, HOUSE BILL NO. 2249 and SUBSTITUTE SENATE BILL NO. 5659 which were read the first time in full and placed on the Second Reading calendar.

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

## SECOND READING

**ENGROSSED SENATE BILL NO. 5389, By Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon**

**Managing clean and sober housing.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 81<sup>st</sup> Day, April 3, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5389, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5389, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SENATE BILL NO. 5389, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of SUBSTITUTE SENATE BILL NO. 5144.

**SUBSTITUTE SENATE BILL NO. 5144, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Oke)**

**Protecting forest land from exotic forest insects or diseases.**

## SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "In ruling upon the point of order raised by Representative Schoesler, the Speaker would first note that the challenged amendment is drawn to the committee amendment. The committee amendment has not been adopted or rejected by the body. The Speaker must consider the bill as it stands before the House, and that is the substitute Senate Bill.

The title of Substitute Senate Bill No. 5144 is an act relating to "protecting forest health". The bill amends statutes relating to the Department of Natural Resources and the Department of Agriculture

to require coordination of efforts to control or eradicate forest insects and diseases, provides exemptions from forest practice permits when necessary to control and eradicate such insects and diseases, and empowers the Commissioner of Public Lands to declare a forest health emergency for the control and eradication of such insects and diseases.

Amendment (382) relates to the forest health issue posed by Sudden Oak Death Syndrome and requires the Department of Agriculture and the Department of Natural Resources to coordinate their responses to control and eradicate the disease.

While the bill deals with the topic of forest health in general terms, the amendment merely specifies one disease to be addressed within the framework set forth in the bill. The Speaker therefore finds that the amendment does not change the scope and object of the bill.

Representative Schoesler, your point of order is not well taken."

Representative Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5144, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Clements, Hinkle and Holmquist - 3.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5210, By Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon, Parlette and Stevens**

**Modifying electrician certification provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5210.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5210 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SENATE BILL NO. 5210, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5221, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Fairley, Stevens, Horn and Benton; by request of Secretary of State)**

#### **Reorganizing election laws.**

The bill was read the second time.

Representative Hunt moved the adoption of amendment (420):

On page 191, line 19, after "except" strike "Saturdays, Sundays," and insert "Sundays"

Representative Hunt spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5221, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5221, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5221, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5274, By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Hale, Horn, Stevens and Haugen; by request of Secretary of State)**

**Revising funding of the archives division.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5274.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5274, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5413, By Senators Benton, Prentice, Reardon, Doumit, Honeyford, Mulliken, Rossi, Zarelli, Finkbeiner, Shin, Esser and Kohl-Welles**

**Allowing out-of-state licensees to practice commercial real estate.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)



There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Wood and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5413, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5413, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 5413, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5434, By Senate Committee on Commerce & Trade (originally sponsored by Senator Swecker)**

#### **Concerning certified electricians.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5434, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5641, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice and Winsley; by request of Insurance Commissioner)**

**Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5641.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5641, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5654, By Senators McCaslin and Roach**

**Authorizing multiple fire districts to annex portions of a newly incorporated city or town.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5654.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5654 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 5654, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Parlette, Doumit, Benton, Mulliken, Schmidt and Honeyford)**

**Concerning the use of a nonhighway vehicle on certain nonhighway roads or trails that are restricted to pedestrian or animal travel.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5785.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5785 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5824, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Parlette and Horn)**

**Allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5824.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5824 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5824, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5974, By Senate Committee on Highways & Transportation (originally sponsored by Senators Benton, Haugen, Horn and Oke)**

**Exercising sound business practices to enhance revenues for Washington State Ferries.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Morris and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5974, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5974, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5974, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5995, By Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford and Keiser)**

**Regarding collective bargaining agreements in the construction trades.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5995, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Hewitt, Sheahan, Stevens, Parlette, Mulliken, Oke and Roach)**

**Requesting forest health-related management activities on all state and national forests in Washington state.**

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial as amended by the House, was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Joint Memorial No. 8002, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8002, as amended by the House, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 15, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2197,  
SUBSTITUTE HOUSE BILL NO. 2198,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 15, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5149,  
SUBSTITUTE SENATE BILL NO. 5182,  
ENGROSSED SENATE BILL NO. 6063,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., April 17, 2003, the 95<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY FOURTH DAY, APRIL 16, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**NINETY FIFTH DAY**

---

House Chamber, Olympia, Thursday, April 17, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jasmine Elam and Ashlynn Owen. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lawrence Ricky Willis, Truevine of Holiness Missionary Baptist Church, Seattle.

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

**MESSAGES FROM THE SENATE**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1675, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6059, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 16, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5337,  
SECOND SUBSTITUTE SENATE BILL NO. 6017,

Milt H. Doumit, Secretary

April 16, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

HOUSE BILL NO. 1296,  
HOUSE BILL NO. 1351,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,  
HOUSE BILL NO. 1576,  
HOUSE BILL NO. 1954,  
SUBSTITUTE HOUSE BILL NO. 2196,

Milt H. Doumit, Secretary

April 15, 2003

Mr. Speaker:

The President has signed:  
and the same are herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,  
SUBSTITUTE SENATE BILL NO. 5236,  
SUBSTITUTE SENATE BILL NO. 5600,  
SUBSTITUTE SENATE BILL NO. 5601,  
SUBSTITUTE SENATE BILL NO. 5616,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,  
SENATE BILL NO. 5898,  
SENATE JOINT MEMORIAL NO. 8003,  
SENATE JOINT MEMORIAL NO. 8012,  
SENATE JOINT MEMORIAL NO. 8015,

Milt H. Doumit, Secretary

April 16, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1153,  
HOUSE BILL NO. 1170,  
SUBSTITUTE HOUSE BILL NO. 1278,  
SUBSTITUTE HOUSE BILL NO. 1291,  
SUBSTITUTE HOUSE BILL NO. 1721,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,  
SUBSTITUTE HOUSE BILL NO. 2040,

Milt H. Doumit, Secretary

April 16, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

HOUSE BILL NO. 1083,  
HOUSE BILL NO. 1179,  
HOUSE BILL NO. 1226,



and the same are herewith transmitted.

Milt H. Doumit, Secretary

### **INTRODUCTION & FIRST READING**

HB 2263 by Representatives Bush, Lantz and Darneille

AN ACT Relating to limiting house-banked cardrooms; amending RCW 9.46.0282; adding a new section to chapter 9.46 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2264 by Representative Murray

AN ACT Relating to transportation funding and appropriations; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2265 by Representatives McCoy and Condotta

AN ACT Relating to tuition waivers at institutions of higher education; amending RCW 28B.15.380 and 28B.15.910; adding new sections to chapter 28B.15 RCW; and repealing RCW 28B.10.265, 28B.15.620, 28B.15.625, 28B.15.628, and 28B.15.629.

Referred to Committee on Higher Education.

HB 2266 by Representatives Hunt and Romero

AN ACT Relating to leave sharing; and amending RCW 41.04.655, 41.04.660, and 41.04.665.

Referred to Committee on Appropriations.

HB 2267 by Representatives Gombosky, Sommers, Moeller, Cody, Conway, Fromhold and McIntire

AN ACT Relating to revenue for dedicated accounts; amending RCW 82.08.020, 82.04.4282, 82.08.0293, 82.12.0293, 82.32.090, and 82.08.064; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; creating new sections; repealing RCW 82.04.4283; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2268 by Representative Gombosky

AN ACT Relating to reducing preferential tax treatment.

Referred to Committee on Finance.

HB 2269 by Representative Gombosky

AN ACT Relating to increasing revenue.

Referred to Committee on Finance.

HB 2270 by Representative Gombosky

AN ACT Relating to revenue.

Referred to Committee on Finance.

HB 2271 by Representatives McIntire, Sommers, Hunter and Fromhold

AN ACT Relating to education funds; amending RCW 84.52.068, 28A.505.210, 28A.150.380, 67.70.240, and 67.70.340; reenacting and amending RCW 43.135.045; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2272 by Representative Gombosky

AN ACT Relating to authorizing electronic scratch ticket gaming in specified venues and locations.

Referred to Committee on Commerce & Labor.

HB 2273 by Representative Gombosky

AN ACT Relating to the approval, licensing, and playing of electronic scratch ticket games and systems by bona fide charitable or nonprofit organizations; persons, associations, or organizations operating a business primarily engaged in the selling of food or drink for consumption on the premises; phase II house-banked card rooms operating at least five house-banked card tables; and class 1 horse racing facilities in operation for at least one year.

Referred to Committee on Commerce & Labor.

HB 2274 by Representative Gombosky

AN ACT Relating to electronic gaming.

Referred to Committee on Commerce & Labor.

SB 5149 by Senator Benton

AN ACT Relating to preventing businesses from taking multiple tax credits on the same employment positions; and amending RCW 82.62.090.

Referred to Committee on Finance.

SSB 5182 by Senate Committee on Ways & Means (originally sponsored by Senators Benton, Mulliken, McCaslin, Sheahan, T. Sheldon and Esser)

AN ACT Relating to extending the expiration date for the rural county information technology tax credit; amending RCW 82.04.4457; and providing an expiration date.

Referred to Committee on Finance.

SSB 5337 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen and Rasmussen; by request of Office of Financial Management)

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.015; and repealing RCW 47.06B.020, 47.06B.030, 47.06B.040, and 47.06B.900.

Referred to Committee on Transportation.

ESB 5529 by Senators Esser, Reardon, Finkbeiner, Schmidt, Sheahan, T. Sheldon, Doumit, Rasmussen, Roach, Rossi, Stevens, West and Eide

AN ACT Relating to removing the expiration date on the research and development business and occupation tax credit; and amending RCW 82.04.4452.

Referred to Committee on Finance.

E2SSB 5531 by Senate Committee on Ways & Means (originally sponsored by Senators Finkbeiner, Reardon, Esser, T. Sheldon, Sheahan, Schmidt, Doumit, Hale, Rasmussen, Roach, Rossi, Stevens, West and Eide)

AN ACT Relating to removing the expiration date for the high-technology research and development sales and use tax deferral program; and amending RCW 82.63.030.

Referred to Committee on Finance.

SB 5614 by Senators T. Sheldon, Hale, Mulliken and Schmidt

AN ACT Relating to extending the expiration date on the rural county sales and use tax deferral program; amending RCW 82.60.040 and 82.60.050; and providing expiration dates.

Referred to Committee on Finance.

2SSB 6017 by Senate Committee on Ways & Means (originally sponsored by Senators Stevens and Hargrove)

AN ACT Relating to modifying general assistance provisions; amending RCW 74.04.005 and 74.08A.100; adding a new section to chapter 74.08 RCW; repealing RCW 74.04.230, 74.04.266, 74.50.035, and 74.50.060; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 6057 by Senators Parlette and Rossi; by request of Office of Financial Management

AN ACT Relating to basic health care plan enrollment; amending RCW 43.72.900; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6058 by Senate Committee on Ways & Means (originally sponsored by Senator Oke; by request of Office of Financial Management)

AN ACT Relating to the distribution of state property taxes; and amending RCW 84.52.068.

Referred to Committee on Finance.

ESB 6063 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

AN ACT Relating to fees for vehicle-related businesses; and amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040, 46.79.050, 46.80.040, and 46.80.050.

Referred to Committee on Transportation.

ESSB 6074 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Prentice)

AN ACT Relating to vessels; amending RCW 47.64.090 and 88.40.020; adding a new section to chapter 41.56 RCW; providing a contingent effective date; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6074 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

## **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Prentice)**

**Making technical changes to passenger-only ferry service statutes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Woods, Buck and Kessler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6074.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6074 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6012, By Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)**

**Codifying shoreline rules.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

### POINT OF ORDER

Representative Schindler requested a scope and object ruling on the committee amendment to Substitute Senate Bill No. 6012.

### SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "In ruling on the point of order raised by Representative Schindler to the Local Government committee amendment to Substitute Senate Bill No. 6012, the Speaker finds and rules as follows:

Substitute Senate Bill No. 6012 is entitled an act relating to "shoreline management". This is a broad title encompassing the general topic of shoreline management. The bill establishes shoreline management guidelines in statute, and includes repeal of RCW 90.58.060 and .080.

The amendment also relates to shoreline management guidelines. It establishes a staggered statutory schedule for development of shoreline management guidelines and requirements for periodic reviews. The Speaker would note that it amends the same two statutes cited above that the bill would repeal.

This simply presents a policy choice for the body to decide. The Speaker finds that the committee amendment is within the scope and object of the bill.

Representative Schindler, your point of order is not well taken."

With the consent of the House, amendment (308) was withdrawn.

Representative Schindler moved the adoption of amendment (389) to the committee amendment:

Beginning on page 1, after line 2 of the amendment, strike everything and insert the following:

"**Sec. 1.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

Local governments shall develop or amend, within ~~((twenty-four))~~ sixty months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department."

Correct the title.

Representative Schindler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Romero spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Jarrett moved the adoption of amendment (415) to the committee amendment:

On page 2, line 13 of the amendment, after "provisions." strike "Beginning July 1, 2015, and every seven years thereafter, the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section." and insert "~~((the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.))~~"

Representatives Jarrett and Romero spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Mielke moved the adoption of amendment (417) to the committee amendment:

On page 3, line 34 of the amendment, after "conduct a" strike "comprehensive"

On page 4, line 2 of the amendment, after "shall," strike "as" and insert "if"

On page 4, line 3 of the amendment, after "review" strike "and revision"

Representatives Mielke and Romero spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Romero, Jarrett, Moeller, Berkey, Morris, Lantz and Upthegrove spoke in favor of passage of the bill.

Representatives Schindler, Pearson, Mielke, Mastin, McMahan, Ericksen, Ahern and DeBolt spoke against the passage of the bill.

### **COLLOQUY**

Representative Jarrett: "The final sentence of Section 2(3)(a) in Engrossed Substitute Senate Bill No. 6012 applies only to the city of Everett. What is the effect of this language on the ongoing litigation in which the city of Everett's recently revised shoreline master program has been challenged?"

Representative Romero: "This language has no effect on the ongoing litigation. The parties to that litigation will have to comply with whatever the court orders. This language addresses the time line requirements, but does not address the validity of the substance of the master program that the court will decide."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6012, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6012, as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Berkey, Buck, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant, Hankins, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Sehlin, Skinner, Sump, and Talcott - 37.

SUBSTITUTE SENATE BILL NO. 6012, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5515, By Senators Johnson, Kline and Sheahan**

**Allowing judicial members on the board of industrial insurance appeals.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5515.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5515 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5515, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5586, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline)**

**Granting authority to address concerns with lead-based paint activities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Fisheries, Ecology & Parks was before the House for purpose of amendments. (For committee amendment, see Journal, 81<sup>st</sup> Day, April 3, 2003.)

Representative Cooper moved the adoption of amendment (432) to the committee amendment:

On page 2, line 35 of the amendment, after "hazards." insert "The legislature recognizes the department of community, trade, and economic development is not a regulatory agency and may delegate enforcement responsibilities under this act to local governments or private entities."

Representatives Cooper and Sump spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cooper moved the adoption of amendment (431) to the committee amendment:

On page 7, after line 15 of the amendment, insert:

"(6) The department shall collect a fee in the amount of twenty-five dollars for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors, and abatement workers.

(7) The department shall collect a fee in the amount of two hundred dollars for the accreditation of lead paint training programs."

On page 10, beginning on line 3 of the amendment, strike all of section 7

Renumber remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Cooper and Sump spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cooper moved the adoption of amendment (433) to the committee amendment:

On page 12, line 3 of the amendment, after "section." insert "This act expires if the federal environmental protection agency does not authorize a state program within two years of the effective date of this act."

Representatives Cooper and Sump spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Darneille, Sump and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5586, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5586, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.



ENGROSSED SUBSTITUTE SENATE BILL NO. 5586, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5176, By Senators Roach and Doumit**

**Providing wildland fire fighting training.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For Committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Haigh, Hinkle, Morris, Orcutt and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5176, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5176, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5176, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, By Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Johnson, Shin, Jacobsen, McAuliffe, Schmidt, Rasmussen and B. Sheldon)**

**Authorizing an interim study creating a master plan for education.**

The concurrent resolution was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was not adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Kenney moved the adoption of amendment (416):

On page 1, strike everything after "WHEREAS," on line 1 and insert the following:

"Collaboration and coordination among all sectors of education including but not limited to prekindergarten, the K-12 system, the community and technical college system, the four-year colleges and

universities, and the independent colleges and private career schools are essential to developing an educated citizenry;

WHEREAS, The education and higher education committees of the Washington State Senate and House of Representatives each intend separately to examine issues of strategic planning, coordination, and governance for the K-12 and postsecondary education systems during the 2003 legislative interim; and

WHEREAS, A forum should be created to expand collaboration among educational sectors, starting with the education oversight committees of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Senate committee on education, the Senate committee on higher education, the House of Representatives committee on education, and the House of Representatives committee on higher education shall convene a joint work session along with education and higher education stakeholders before December 31, 2003; and

BE IT FURTHER RESOLVED, That the purpose of the joint work session shall be for the committees and stakeholders to share the findings and recommendations of their interim work on strategic planning, coordination, and governance in K-12 and postsecondary education and to discuss common topics and themes that cross educational sectors, including the readiness of the state's higher education institutions to meet the anticipated needs of students educated in a standards-based K-12 environment; the need for college admissions to be aligned with K-12 standards and assessments; and what changes in the education environment will reduce the need for remediation as students are placed in college courses; and

BE IT FURTHER RESOLVED, At the joint work session, the committees and stakeholders shall discuss opportunities for further collaboration in policy development and oversight of the various educational sectors in Washington."

Representatives Kenney, Cox and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution as amended by the House, was placed on final passage.

Representatives Kenney and Cox spoke in favor of adoption of the concurrent resolution.

Representatives McMahan and Schindler spoke against the adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of Substitute Senate Concurrent Resolution No. 8401, as amended by the House.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, as amended by the House was adopted.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135, By Senate Committee on Ways & Means (originally sponsored by Senators Carlson, West, Horn, Schmidt and Rossi)**

**Creating tuition surcharges.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5135, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5135, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative McCoy - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2249, By Representatives Kessler, Skinner, Rockefeller, Hatfield, Mielke, Carrell, Alexander, Nixon, Lovick, Darneille, O'Brien, Ahern, Orcutt, Berkey, Eickmeyer, Conway, McMahan, Talcott, Santos, Hunt, Moeller and Ruderman**

**Waiving penalties for late renewal of licenses by members of the armed forces assigned or deployed out-of-state.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Skinner, Benson, Ahern, Eickmeyer and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2249.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2249 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2249, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5912, By Senate Committee on Highways & Transportation (originally sponsored by Senators Mulliken, Haugen, Sheahan, Horn, Parlette, Rasmussen and Spanel)**

**Creating the Produce Railcar Pool.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Armstrong, Simpson, Grant, Holmquist and Ericksen spoke in favor of passage of the bill.

Representatives Mielke, Nixon and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5912, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5912, as amended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Armstrong, Bailey, Benson, Berkey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 80.

Voting nay: Representatives Ahern, Alexander, Anderson, Boldt, Bush, Cairnes, Carrell, Cox, DeBolt, Flannigan, McMahan, Mielke, Nixon, Orcutt, Pflug, Roach, Shabro and Woods - 18.

SUBSTITUTE SENATE BILL NO. 5912, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, By Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford)**

**Concerning licensing requirements for elevator mechanics and contractors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5942, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

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

The Speaker assumed the chair.

### **MESSAGE FROM THE SENATE**

April 17, 2003

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, and the same is herewith transmitted.

Milt H. Doumit, Secretary

### **SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2197,  
SUBSTITUTE HOUSE BILL NO. 2198,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6074,

The Speaker called upon Representative Lovick to preside.

### **MESSAGES FROM THE SENATE**

April 17, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5641,

SENATE BILL NO. 5654,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5824,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1084,  
HOUSE BILL NO. 1246,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5181,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5423,  
SUBSTITUTE SENATE BILL NO. 6073,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5737, By Senate Committee on Ways & Means  
(originally sponsored by Senators Benton and Prentice)**

#### **Reporting abandoned property.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5737, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5737, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5737, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5189, By Senate Committee on Higher Education (originally sponsored by Senators Benton, Swecker, Kohl-Welles, Shin, Stevens, Oke, Roach and Winsley)**

**Waiving tuition and fees for veterans of the Korean conflict.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5189.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5189 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5189, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5284, By Senators Stevens, Horn, Benton, Haugen, Oke, Swecker, Esser and Mulliken**

**Penalizing failure to use required traction equipment.**

The bill was read the second time.

Representative Mielke moved the adoption of amendment (430):

On page 2, line 21, strike "five hundred" and insert "two hundred fifty"

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5284.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5284 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5284, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5893, By Senator Oke**

**Allowing the fish and wildlife commission to set a transaction fee on recreational documents issued through an automated licensing system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5893.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5893 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Boldt, Cairnes, Carrell, and McMahan - 4.

SENATE BILL NO. 5893, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

### **REPORTS OF STANDING COMMITTEES**

April 16, 2003

HB 2192 Prime Sponsor, Representatives Cody: Taxing parimutuel machines. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

April 16, 2003

ESSB 5071 Prime Sponsor, Senate Committee On Ways & Means: Revising business and occupation taxation for certain aviation businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

2SSB 5364 Prime Sponsor, Seattle Committee On Ways & Means: Promoting economic development and community revitalization. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

April 16, 2003

SB 5725 Prime Sponsor, Senator Zarelli: Providing tax incentives to support the state's semiconductor cluster. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS.** The legislature finds that the welfare of the people of the state of Washington is positively impacted through the encouragement and expansion of family wage employment in the state's manufacturing industries. The legislature further finds that targeting tax incentives to focus on key industry clusters is an important business climate strategy. The Washington competitiveness council has

recognized the semiconductor industry, which includes the design and manufacture of semiconductor materials, as one of the state's existing key industry clusters. Businesses in this cluster in the state of Washington are facing increasing pressure to expand elsewhere. The sales and use tax exemptions for manufacturing machinery and equipment enacted by the 1995 legislature improved Washington's ability to compete with other states for manufacturing investment. However, additional incentives for the semiconductor cluster need to be put in place in recognition of the unique forces and global issues involved in business decisions that key businesses in this cluster face.

Therefore, the legislature intends to enact comprehensive tax incentives for the semiconductor cluster that address activities of the lead product industry and its suppliers and customers. Tax incentives for the semiconductor cluster are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this cluster. The legislature also recognizes that the semiconductor industry involves major investment that results in significant construction projects, which will create jobs and bring many indirect benefits to the state during the construction phase.

**Sec. 2.** RCW 82.04.260 and 2001 2nd sp.s. c 25 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such

persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(13) Until July 1, 2017, upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or, in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.138 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips.

**Sec. 3.** RCW 82.04.240 and 1998 c 312 s 3 are each amended to read as follows:

Upon every person (~~except persons taxable under RCW 82.04.260 (1), (2), (4), (5), or (6))~~ engaging within this state in business as a manufacturer, except persons taxable as manufacturers under another section of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 4.** RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and

excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.08 RCW to read as follows:

**SALES TAX EXEMPTION FOR CONSTRUCTION.** (1) The tax levied by RCW 82.08.020 shall not apply to charges made for labor and services rendered in respect to the constructing of new buildings used for the manufacturing of semiconductor materials, to sales of tangible personal property that will be incorporated as an ingredient or component of such buildings during the course of the constructing, or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b). The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) To be eligible under this section the manufacturer or processor for hire must meet the following requirements for an eight-year period, such period beginning the day the new building commences commercial production, or a portion of tax otherwise due shall be immediately due and payable pursuant to subsection (3) of this section:

(a) The manufacturer or processor for hire must maintain at least seventy-five percent of full employment at the new building for which the exemption under this section is claimed.

(b) Before commencing commercial production at a new facility the manufacturer or processor for hire must meet with the department to review projected employment levels in the new buildings. The department, using information provided by the taxpayer, shall make a determination of the number of positions that would be filled at full employment. This number shall be used throughout the eight-year period to determine whether any tax is to be repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation during which time employment at the new building at the same site is increased, the manufacturer or processor for hire shall maintain seventy-five percent of full employment at the manufacturing site overall.

(d) No application is necessary for the tax exemption. The person is subject to all the requirements of chapter 82.32 RCW. A person taking the exemption under this section must report as required under section 11 of this act.

(3) If the employment requirement is not met for any one calendar year, one-eighth of the exempt sales and use taxes shall be due and payable by April 1st of the following year. The department shall assess interest to the date the tax was imposed, but not penalties, on the taxes for which the person is not eligible.

(4) The exemption applies to new buildings, or parts of buildings, that are used exclusively in the manufacturing of semiconductor materials, including the storage of raw materials and finished product.

(5) For the purposes of this section:

(a) "Commencement of commercial production" is deemed to have occurred when the equipment and process qualifications in the new building are completed and production for sale has begun; and

(b) "Full employment" is the number of positions required for full capacity production at the new building, for positions such as line workers, engineers, and technicians.

(c) "Semiconductor materials" has the same meaning as provided in RCW 82.04.260(13).

(6) No exemption may be taken after July 1, 2017, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(7) This section expires July 1, 2017.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

**USE TAX EXEMPTION FOR CONSTRUCTION MATERIALS AND INSTALLATION SERVICES.**

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property that will be incorporated as an ingredient or component of new buildings used for the manufacturing of semiconductor materials during the course of constructing such buildings or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).

(2) The eligibility requirements, conditions, and definitions in section 5 of this act apply to this section.

(3) No exemption may be taken after July 1, 2017, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(4) This section expires July 1, 2017.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.08 RCW to read as follows:

**SALES TAX EXEMPTION FOR GASES AND CHEMICALS.** (1) The tax levied by RCW 82.08.020 shall not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.260(13).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.12 RCW to read as follows:

**USE TAX EXEMPTION FOR GASES AND CHEMICALS.** (1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.260(13).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

**BUSINESS AND OCCUPATION TAX JOB CREDIT.** (1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under RCW 82.04.260(13) for persons engaged in the business of manufacturing semiconductor materials. For the purposes of this section "semiconductor materials" has the same meaning as provided in RCW 82.04.260(13).

(2)(a) The credit under this section shall equal three thousand dollars for each employment position used in manufacturing production that takes place in a new building exempt from sales and use tax under sections 5 and 6 of this act. A credit is earned for the calendar year a person fills a position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to eight years. Those positions that are not filled for the entire year are eligible for fifty percent of the credit if filled less than six months, and the entire credit if filled more than six months.

(b) To qualify for the credit, the manufacturing activity of the person must be conducted at a new building that qualifies for the exemption from sales and use tax under sections 5 and 6 of this act.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation, during which time employment at the new building at the same site is increased, the person is eligible for credit for employment at the existing building and new building, with the limitation that the combined eligible employment not exceed full employment at the new building. "Full employment" has the same meaning as in section 5 of this act. The credit may not be earned until the commencement of commercial production, as that term is used in section 5 of this act.

(3) No application is necessary for the tax credit. The person is subject to all of the requirements of chapter 82.32 RCW. In no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(4) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be retroactive to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(5) A person taking the credit under this section must report under section 11 of this act.

(6) Credits may be taken after July 1, 2017, for those buildings at which commercial production began before July 1, 2017, subject to all of the eligibility criteria and limitations of this section.

(7) This section expires July 1, 2017.

**NEW SECTION. Sec. 10.** A new section is added to chapter 84.36 RCW to read as follows:

**PROPERTY TAX EXEMPTION FOR MANUFACTURING MACHINERY AND EQUIPMENT.**

(1) Machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 used in manufacturing semiconductor materials at a building exempt from sales and use tax and in compliance with the employment requirement under sections 5 and 6 of this act are tax exempt from taxation. "Semiconductor materials" has the same meaning as provided in RCW 82.04.260(13).

(2) A person seeking this exemption must make application to the county assessor, on forms prescribed by the department.

(3) A person receiving an exemption under this section must report in the manner prescribed in section 11 of this act.

(4) This section is effective for taxes levied for collection in 2006 and thereafter.

(5) This section expires December 31, 2017, for taxes levied for collection in 2018.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.32 RCW to read as follows:

**ACCOUNTABILITY.** (1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260(13) or who claims an exemption or credit under sections 5 through 10 of this act, shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260(13), or tax exemption or credit under sections 5 through 10 of this act. The report is due by March 31st following any year in which a preferential tax rate under RCW 82.04.260(13) is used, or tax exemption or credit under sections 5 through 10 of this act is taken. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection the department shall declare the amount of taxes exempted or credited for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) By November 1, 2010, and November 1, 2016, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of chapter . . . , Laws of 2003 (this act) in regard to keeping Washington competitive. The report shall measure the effect of chapter . . . , Laws of 2003 (this act) on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the tax preferences in chapter . . . , Laws of 2003 (this act).

**NEW SECTION. Sec. 12. CAPTIONS.** Captions used in this act are not part of the law.

**NEW SECTION. Sec. 13.** This act takes effect July 1, 2005."

Signed by Representatives Gombosky, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Vice Chairman;

April 16, 2003

SSB 6054 Prime Sponsor, Senate Committee On Ways & Means: Clarifying the application of the industrial welfare act to public employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 1, strike all of section 2 and insert the following:

**Sec. 2.** RCW 49.12.005 and 1998 c 334 s 1 are each amended to read as follows:

For the purposes of this chapter:

- (1) ~~((The term))~~ "Department" means the department of labor and industries.
- (2) ~~((The term))~~ "Director" means the director of the department of labor and industries, or the director's designated representative.
- (3) ~~((The term))~~ (a) Before the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees ~~((and))~~ but does not include the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. However, for the purposes of RCW ~~((49.12.270))~~ 49.12.265 through 49.12.295 ~~((and))~~, 49.12.350 through 49.12.370, 49.12.450, and 49.12.460 only, "employer" also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.  
(b) On and after the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.
- (4) ~~((The term))~~ "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.
- (5) ~~((The term))~~ "Conditions of labor" ~~((shall))~~ means and includes the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.
- (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years.

**Sec. 3.** RCW 49.12.187 and 1973 2nd ex.s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment. However, rules adopted under this chapter regarding appropriate rest and meal periods as applied to public employees may be superseded by a collective bargaining agreement negotiated under a state collective bargaining law if the terms of the collective bargaining agreement covering such employees specifically require rest and meal periods and prescribe requirements concerning those rest and meal periods.

**Sec. 4.** RCW 49.12.360 and 1989 1st ex.s. c 11 s 23 are each amended to read as follows:

- (1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.
- (2) An employer must grant the same leave upon the same terms for men as it does for women.
- (3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.
- ~~(4) ((For purposes of this section, "employer" includes all private and public employers listed in RCW 49.12.005(3)).~~  
(~~5~~) For purposes of this section, "leave" means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.  
~~((6))~~(5) Nothing in this section requires an employer to:
  - (a) Grant leave equivalent to maternity disability leave; or
  - (b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

**Sec. 5.** RCW 49.12.460 and 2001 c 173 s 1 are each amended to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means ~~((any person))~~ an employer who had twenty or more full-time equivalent employees in the previous year.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section."

Renumber the sections consecutively, correct internal references accordingly, and correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of SECOND SUBSTITUTE SENATE BILL NO. 5364 and SENATE BILL NO. 5725 which were placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2152,  
HOUSE BILL NO. 2158,  
SENATE BILL NO. 5437,  
SENATE BILL NO. 5512,  
SENATE BILL NO. 5705,



SECOND SUBSTITUTE SENATE BILL NO. 5890,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,

There being no objection, the Committee on Fisheries, Ecology & Parks was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5179, and the bill was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., April 18, 2003, the 96<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY FIFTH DAY, APRIL 17, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**NINETY SIXTH DAY**

---

House Chamber, Olympia, Friday, April 18, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nick Biesold and Anna Min. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Angela Farrar, First Baptist Church, Mountlake Terrace.

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

**MESSAGES FROM THE SENATE**

April 17, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5051,  
SUBSTITUTE SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5358,  
SUBSTITUTE SENATE BILL NO. 5409,  
SENATE BILL NO. 5507,  
SENATE BILL NO. 5662,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5189,  
SENATE BILL NO. 5284,  
SENATE BILL NO. 5893,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 5515, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The President has signed:  
and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 2197,  
SUBSTITUTE HOUSE BILL NO. 2198,

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5402,  
SUBSTITUTE SENATE BILL NO. 5908,  
SUBSTITUTE SENATE BILL NO. 6049,  
SENATE BILL NO. 6056,

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1275,  
SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1655,  
SUBSTITUTE HOUSE BILL NO. 1849,  
SUBSTITUTE HOUSE BILL NO. 2038,  
HOUSE BILL NO. 2113,  
HOUSE BILL NO. 2223,

Milt H. Doumit, Secretary

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

## **SECOND READING**

**SUBSTITUTE SENATE BILL NO. 5575, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette, Morton, Doumit, Honeyford and Hale)**

**Concerning small irrigation impoundments.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5575, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5575, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5575, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5437, By Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West**

**Allowing all parties to appeal from adverse decisions of school district regional committees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was not adopted. (For committee amendment, see Journal 82<sup>nd</sup> Day, April 4, 2003.)

Representative Haigh moved adoption of amendment (441):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.315.205 and 1999 c 315 s 402 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the state board under chapter 34.05 RCW.

(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) ~~((The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;~~

~~(b))~~ Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee (~~(to approve a change in school district organization)~~) to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570."

Correct the title.

Representative Talcott moved adoption of amendment (442) to amendment (441):

On page 3, after line 7 of the amendment, insert the following:

"Sec. 2. RCW 28A.315.195 and 1999 c 315 s 401 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least (~~ten~~) fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The state board may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose."

Representative Talcott spoke in favor of adoption of amendment (442) to amendment (441).

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (441) as amended.

Representatives Haigh and Talcott spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Wallace and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5437, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5437, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Eickmeyer, Hunter, Nixon, Rockefeller, and Ruderman - 5.

SENATE BILL NO. 5437, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5512, By Senators Honeyford, Kastama, West, Keiser, Winsley and Rasmussen**

**Including nonprofits in the small business economic impact statement requirement.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5512.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5512 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5512, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5705, By Senators Winsley, Thibaudeau, Carlson, Fraser and Shin; by request of Department of Services for the Blind**

**Conforming the department of services for the blind provisions with federal law.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Dickerson moved the adoption of amendment (452):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares the following:

(1) Thousands of citizens in the state have disabilities, including blindness or visual impairment, that prevent them from using conventional print material.

(2) Governmental and nonprofit organizations provide access to reading material by specialized means, including books and magazines prepared in braille, audio, and large-type formats.

(3) Access to time-sensitive or local or regional publications, or both, is not feasible to produce through these traditional means and formats.

(4) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements, and other time-sensitive materials limits educational opportunities, literacy, and full participation in society by people with print disabilities.

(5) Creation and storage of information by computer results in electronic files used for publishing and distribution.

(6) The use of high-speed computer and telecommunications technology combined with customized software provides a practical and cost-effective means to convert electronic text-based information, including daily newspapers, into synthetic speech suitable for statewide distribution by telephone.

(7) Telephonic distribution of time-sensitive information, including daily newspapers, will enhance the state's current efforts to meet the needs of blind and disabled citizens for access to information which is otherwise available in print, thereby reducing isolation and supporting full integration and equal access for such individuals.

**Sec. 2.** RCW 74.18.010 and 1983 c 194 s 1 are each amended to read as follows:

The purposes of this chapter are to promote ~~((the economic))~~ employment and ~~((social welfare))~~ independence of blind persons in the state of Washington ~~((, to relieve blind or visually handicapped persons from the distress of poverty))~~ through their complete integration into society on the basis of equality, and to encourage public acceptance of the abilities of blind persons ~~((, and to promote public awareness of the causes of blindness))~~.

**Sec. 3.** RCW 74.18.020 and 1983 c 194 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means an agency of state government called the department of services for the blind.

(2) "Director" means the director of the ~~((state agency))~~ department of services for the blind. The director is appointed by the governor with the consent of the senate.

(3) ~~((("Advisory council")))~~ "Rehabilitation council for the blind" means the body of members appointed by the governor in accordance with the provisions of RCW 74.18.070 to advise the state agency.

(4) "Blind person" means a person who: (a) Has no vision or whose vision with corrective lenses is so ~~((defective as to prevent the performance of ordinary activities for which eyesight is essential, or who))~~ limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by individuals with normal vision; (b) has an eye condition of a progressive nature which may lead to blindness; or (c) is blind for purposes of the business enterprise program as set forth in RCW 74.18.200 through 74.18.230 in accordance with requirements of the Randolph-Sheppard Act of 1936.

(5) "Telephonic reading service" means audio information provided by telephone, including the acquisition and distribution of daily newspapers and other information of local, state, or national interest.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.18 RCW to read as follows:

(1)(a) The director shall provide access to a telephonic reading service for blind and disabled persons.

(b) The director shall establish criteria for eligibility for blind and disabled persons who may receive the telephonic reading services. The criteria may be based upon the eligibility criteria for persons who receive services established by the national library service for the blind and physically handicapped of the library of congress.

(2) The director may enter into contracts or other agreements that he or she determines to be appropriate to provide telephonic reading services pursuant to this section.

(3) The director may expand the type and scope of materials available on the telephonic reading service in order to meet the local, regional, or foreign language needs of blind or visually impaired residents of this state. The director may also expand the scope of services and availability of telephonic reading services by current methods and technologies that may be developed. The director may inform current and potential patrons of the availability of telephonic reading services through appropriate means, including, but not limited to, direct mailings, direct telephonic contact, and public service announcements.

(4) The director may expend moneys from the business enterprises revolving account accrued from vending machine sales in state and local government buildings, as well as donations and grants, for the purpose of supporting the cost of activities described in this section.

**Sec. 5.** RCW 74.18.050 and 1983 c 194 s 5 are each amended to read as follows:

The director may appoint such personnel as necessary, none of whom shall be members of the ~~((advisory))~~ rehabilitation council for the blind. The director and other personnel who are assigned substantial responsibility for formulating agency policy or directing and controlling a major administrative division, together with their confidential secretaries, up to a maximum of six persons, shall be exempt from the provisions of chapter 41.06 RCW.

**Sec. 6.** RCW 74.18.060 and 1983 c 194 s 6 are each amended to read as follows:

The department shall:

(1) Serve as the sole agency of the state for contracting for and disbursing all federal and state funds appropriated for programs established by and within the jurisdiction of this chapter, and make reports and render accounting as may be required;

(2) Adopt rules, in accordance with chapter 34.05 RCW, necessary to carry out the purposes of this chapter;

(3) Negotiate agreements with other state agencies to provide services ~~((for individuals who are both blind and otherwise disabled))~~ so that ~~((multiply handicapped persons and the elderly blind))~~ individuals of any age who are blind or are both blind and otherwise disabled receive the most beneficial services.

**Sec. 7.** RCW 74.18.070 and 2000 c 57 s 1 are each amended to read as follows:

(1) There is hereby created the rehabilitation council for the blind. The rehabilitation council shall consist of the minimum number of voting members to meet the requirements of the rehabilitation council required



under the federal rehabilitation act of 1973 as now or hereafter amended. A majority of the voting members shall be blind persons. Rehabilitation council members shall be residents of the state of Washington, and shall ~~((represent))~~ be appointed in accordance with the categories of membership specified in the federal rehabilitation act of 1973 as now or hereafter amended. The director of the department ~~((of services for the blind))~~ shall be an ex officio, nonvoting member.

(2) The governor shall appoint members of the rehabilitation council for terms of three years, except that the initial appointments shall be as follows: (a) Three members for terms of three years; (b) two members for terms of two years; and (c) other members for terms of one year. Vacancies in the membership of the rehabilitation council shall be filled by the governor for the remainder of the unexpired term.

(3) The governor may remove members of the rehabilitation council for cause.

**Sec. 8.** RCW 74.18.090 and 2000 c 57 s 3 are each amended to read as follows:

The rehabilitation council for the blind may:

(1) Provide counsel to the director in developing, reviewing, making recommendations, and agreeing on the department's state plan for vocational rehabilitation, budget requests, permanent rules concerning services to blind ~~((citizens))~~ persons, and other major policies which impact the quality or quantity of services for ~~((the))~~ blind persons;

(2) Undertake annual reviews with the director of the needs of blind ~~((citizens))~~ persons, the effectiveness of the services and priorities of the department to meet those needs, and the measures that could be taken to improve the department's services;

(3) Annually make recommendations to the governor and the legislature on issues related to the department ~~((of services for the blind))~~, other state agencies, or state laws which have a significant effect on the opportunities, services, or rights of blind ~~((citizens))~~ persons;

(4) Advise and make recommendations to the governor on the criteria and qualifications pertinent to the selection of the director;

(5) Perform additional functions as required by the federal rehabilitation act of 1973 as now or hereafter amended.

**Sec. 9.** RCW 74.18.110 and 1983 c 194 s 11 are each amended to read as follows:

The department ~~((of services for the blind))~~ may receive, accept, and disburse gifts, grants, conveyances, devises, and bequests from public or private sources, in trust or otherwise, if the terms and conditions thereof will provide services for ~~((the))~~ blind persons in a manner consistent with the purposes of this chapter and with other provisions of law. Any money so received shall be deposited in the state treasury for investment or expenditure in accordance with the conditions of its receipt.

**Sec. 10.** RCW 74.18.120 and 1989 c 175 s 150 are each amended to read as follows:

~~(1) ((Any person aggrieved by a decision, action, or inaction of the department or its agents may request, and shall receive from the department, an administrative review and redetermination of that decision, action, or inaction.~~

~~(2) After completion of an administrative review,))~~ An applicant or ~~((client aggrieved by))~~ eligible person who is dissatisfied with a decision, action, or inaction ~~((of))~~ made by the department or its agents ~~((may request, and shall be granted,))~~ regarding that person's eligibility or department services provided to that person is entitled to an administrative hearing. Such administrative hearings shall be conducted pursuant to chapter 34.05 RCW by an administrative law judge.

~~((3))~~ (2) The applicant or eligible individual may appeal final decisions ~~((of))~~ issued following administrative hearings ~~((shall be the subject of appeal))~~ under RCW 34.05.510 through 34.05.598.

~~((4) In the event of an appeal from the final decision of an administrative hearing in which the department has overruled the proposed decision by an administrative law judge, the following terms shall apply for an appeal under RCW 34.05.510 through 34.05.598: (a) Upon request a copy of the transcript and evidence from the administrative hearing shall be made available without charge to the appellant; (b) the appellant shall not be required to post bond or pay any filing fee; and (c) an appellant receiving a favorable decision upon appeal shall be entitled to reasonable attorney's fees and costs.))~~

(3) The department shall develop rules governing other processes for dispute resolution as required under the federal rehabilitation act of 1973.

**NEW SECTION. Sec. 11.** A new section is added to chapter 74.18 RCW to read as follows:

(1) The department shall investigate the conviction records, pending charges, and disciplinary board final decisions of individuals acting on behalf of the department who will or may have unsupervised access to persons with significant disabilities as defined by the federal rehabilitation act of 1973. This includes:

(a) Current employees of the department;

(b) Applicants seeking or being considered for any position with the department; and

(c) Any service provider, contractor, student intern, volunteer, or other individual acting on behalf of the department.

(2) The investigation shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. If the applicant or service provider has had a background check within the previous two years, the department may waive the requirement.

(3) When necessary, applicants may be employed and service providers may be engaged on a conditional basis pending completion of the background check.

(4) The department shall use the information solely to determine the character, suitability, and competence of employees, applicants, service providers, contractors, student interns, volunteers, and other individuals in accordance with RCW 41.06.475.

(5) The department shall adopt rules addressing procedures for undertaking background checks which shall include, but not be limited to, the following:

(a) The manner in which the individual will be provided access to and review of information obtained based on the background check required;

(b) Assurance that access to background check information shall be limited to only those individuals processing the information at the department;

(c) Action that shall be taken against a current employee, service provider, contractor, student intern, or volunteer who is disqualified from a position because of a background check not previously performed.

(6) The department shall determine who will pay costs associated with the background check.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.18 RCW to read as follows:

(1) Personal information and records obtained and retained by the department concerning applicants and eligible individuals are confidential, are not subject to public disclosure, and may be released only in accordance with law or with this provision.

(2) The department shall adopt rules and develop contract language to safeguard the confidentiality of all personal information, including photographs and lists of names. Rules and contract language shall ensure that:

(a) Specific safeguards are established to protect all current and future stored personal information;

(b) Specific safeguards and procedures are established for the release of personal health information in accordance with the health insurance portability and accountability act of 1996, 45 C.F.R. 160 through 45 C.F.R. 164;

(c) All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed upon initial intake of the confidentiality of personal information and the conditions for accessing and releasing this information;

(d) All applicants or their representatives are informed about the department's need to collect personal information and the policies governing its use, including: (i) Identification of the authority under which information is collected; (ii) explanation of the principal purposes for which the department intends to use or release the information; (iii) explanation of whether providing requested information to the department is mandatory or voluntary and the effects of not providing requested information; (iv) identification of those situations in which the department requires or does not require informed written consent of the individual before information may be released; and (v) identification of other agencies to which information is routinely released; and

(e) An explanation of department policies and procedures affecting personal information will be provided at intake or on request to each individual in that individual's native language and in an appropriate format including but not limited to braille, audio recording, electronic media, or large print.

**Sec. 13.** RCW 74.18.130 and 1983 c 194 s 13 are each amended to read as follows:

The department shall provide a program of vocational rehabilitation to assist blind persons to overcome ~~((vocational handicaps))~~ barriers to employment and to develop skills necessary for ~~((self-support))~~ employment and ~~((self-care))~~ independence. Applicants eligible for vocational rehabilitation services shall be blind persons ~~((who are blind as defined in RCW 74.18.020 and))~~ who also ~~((1) have no vision or limited vision which constitutes or results in a substantial handicap to employment and (2) can reasonably be expected to benefit from vocational rehabilitation services in terms of employability))~~ meet eligibility requirements as specified in the federal rehabilitation act of 1973.

**Sec. 14.** RCW 74.18.140 and 1983 c 194 s 14 are each amended to read as follows:

The department ~~((may provide to eligible individuals))~~ shall ensure that vocational rehabilitation services ~~((, including medical and vocational diagnosis; vocational counseling, guidance, referral, and placement; rehabilitation training; physical and mental restoration; maintenance and transportation; reader services; interpreter services for the deaf; rehabilitation teaching services; orientation and mobility services; occupational licenses, tools, equipment, and initial stocks and supplies; telecommunications, sensory, and other technological aids and devices; and other goods and services which can be reasonably expected to benefit a client in terms of employability))~~ in accordance with requirements under the federal rehabilitation act of 1973 are available to meet

the identified requirements of each eligible individual in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**Sec. 15.** RCW 74.18.150 and 1996 c 7 s 1 are each amended to read as follows:

The department may grant to eligible participants in the vocational rehabilitation ~~((clients))~~ program equipment and materials ~~((not to exceed the amount allowed by state financial policies and regulations))~~ in accordance with the provisions related to transfer of capital assets as set forth by the office of financial management in the state administrative and accounting manual, provided that the equipment or materials are required by the ~~((client's))~~ individual's ~~((written rehabilitation program))~~ plan for employment and are used ~~((by the client or former client))~~ in a manner consistent therewith. The department shall adopt rules to implement this section.

**Sec. 16.** RCW 74.18.170 and 1983 c 194 s 16 are each amended to read as follows:

The department may establish, construct, and/or operate rehabilitation or habilitation facilities to provide instruction in alternative skills necessary to adjust to blindness or substantial vision loss, to assist blind persons to develop increased confidence and independence, or to provide other services consistent with the purposes of this chapter. The department shall adopt rules concerning selection criteria for participation, services, and other matters necessary for efficient and effective operation of such facilities.

**Sec. 17.** RCW 74.18.180 and 1983 c 194 s 18 are each amended to read as follows:

(1) The department~~((, to the extent appropriations are made available,))~~ may provide a program of independent living services for ~~((independent living designed to meet the current and future needs of))~~ blind ~~((individuals))~~ persons who ~~((presently cannot function independently in their living environment, but who may benefit from services that will enable them to maintain contact with society and perform some tasks of daily living independently))~~ are not seeking vocational rehabilitation services.

(2) Independent living services may include, but are not limited to, instruction in adaptive skills of blindness, counseling regarding adjustment to vision loss, and provision of adaptive devices that enable service recipients to participate in the community and maintain or increase their independence.

**Sec. 18.** RCW 74.18.200 and 1985 c 97 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply in RCW 74.18.200 through 74.18.230.

(1) "Business enterprises program" means a program operated by the department under the federal Randolph-Sheppard Act, 20 U.S.C. Sec. 107 et seq., and under this chapter in support of blind persons operating vending businesses in public buildings.

(2) "Vending facility" means any stand, snack bar, cafeteria, or business at which food, tobacco, sundries, or other retail merchandise or service is sold or provided.

(3) "Vending machine" means any coin-operated machine that sells or provides food, tobacco, sundries, or other retail merchandise or service.

(4) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual selects.

(5) "Licensee" means a blind person licensed by the state of Washington under the Randolph-Sheppard Act, this chapter, and the rules issued hereunder.

~~((5))~~ (6) "Public building" means any building and immediately adjacent outdoor space associated therewith, such as a patio or entryway, which is: (a) Owned by the state of Washington or any political subdivision thereof or any space leased by the state of Washington or any political subdivision thereof in any privately-owned building; and (b) dedicated to the administrative functions of the state or any political subdivision ~~((: PROVIDED, That any vending facility or vending machine))~~. However, this term shall not include property under the jurisdiction and control of a local board of education ~~((shall not be included))~~ without the consent ~~((and approval))~~ of ~~((that local))~~ such board.

(7) "Priority" means the department has first and primary right to operate the food service and vending facilities, including vending machines, on federal, state, county, municipal, and other local government property except those otherwise exempted by statute. Such right may, at the sole discretion of the department, be waived in the event that the department is temporarily unable to assert the priority.

**Sec. 19.** RCW 74.18.210 and 1983 c 194 s 21 are each amended to read as follows:

The department shall maintain or cause to be maintained a business enterprises program for blind persons to operate vending facilities in public buildings. The purposes of the business enterprises program are to

implement the Randolph-Sheppard Act and thereby give priority to qualified blind persons in operating vending facilities on federal property, to make similar provisions for vending facilities in public buildings in the state of Washington and thereby increase employment opportunities for blind persons, and to encourage ~~(the)~~ blind persons to become successful, independent business persons.

**Sec. 20.** RCW 74.18.230 and 2002 c 71 s 2 are each amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises program, which will pay only the blind vendors' portion, at the subscriber's rate, for the purpose of funding a plan of health insurance for blind vendors, as provided in RCW 41.05.225. Net proceeds, for purposes of this section, means ~~(the)~~ gross ~~(amount received)~~ sales less ~~((the costs of the operation, including))~~ state sales tax and a fair minimum return to the vending machine owner or service provider, which return shall ~~((not exceed))~~ be a reasonable amount to be determined by the department.

(3) All federal moneys in the business enterprises revolving account shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving account and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

**NEW SECTION. Sec. 21.** The following acts or parts of acts are each repealed:

- (1) RCW 74.18.160 (Vocational rehabilitation--Orientation and training center) and 1983 c 194 s 17; and
- (2) RCW 74.18.250 (Specialized medical eye care--Prevention of blindness) and 1983 c 194 s 24."

Correct the title.

Representatives Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5705, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5705, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5705, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)**

**Authorizing additional funding for local governments.**

The bill was read the second time.

With the consent of the House, amendments (428) and (429) were withdrawn.

Representative McMahan moved the adoption of amendment (439):

On page 2, line 12, after "distributed" strike "on a per capita basis to cities in the county" and insert "to cities in the county in proportion to the amount of the tax collected in each city"

Representative McMahan spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (434) was withdrawn.

Representative Shabro moved the adoption of amendment (465):

On page 6, line 10, after "to" strike "six" and insert "four"

Representative Shabro spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (460):

On page 8, line 5, after "(3)" insert "(a)"

On page 8, after line 11, insert the following:

"(b) Any county that is a distressed area under RCW 43.168.020, and which has more than five percent of its employment base in the agriculture, forestry, fishing and hunting, and mining industries, as determined by the office of financial management using the most recent available census data, may adopt a resolution removing the county, and the cities located within the county, from the requirement to plan under this section if the resolution is adopted and filed with the department."

Representatives Clements and Armstrong spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 46 YEAS; 52 NAYS. The amendment was not adopted.

Representative Schoesler moved the adoption of amendment (462):

On page 8, line 5, after "(3)" insert "(a)"

On page 8, after line 11, insert the following:

"(b) Any county with boundaries that include any portion of state route number 12 and a population of less than three thousand may adopt a resolution removing the county, and the cities located within the county, from the requirement to plan under this section if the resolution is adopted and filed with the department. Removal shall occur on the date the resolution is filed with the department."

Representative Schoesler spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 47 YEAS; 51 NAYS. The amendment was not adopted.

Representative DeBolt moved the adoption of amendment (461):

On page 8, line 5, after "(3)" insert "(a)"

On page 8, after line 11, insert the following:

"(b) Any county with boundaries that include any portion of Interstate 5 and a population of less than seventy-five thousand may adopt a resolution removing the county, and the cities located within the county, from the requirement to plan under this section if the resolution is adopted and filed with the department. Removal shall occur on the date the resolution is filed with the department."

Representatives DeBolt and Alexander spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (463):

On page 8, line 10, after "department." insert "The counties of Columbia, Pacific, Jefferson, San Juan, Clallam, Franklin and Walla Walla may adopt a resolution removing the county, and the cities located within the county, from the requirement to plan under this section if the resolution is adopted and filed with the department."

Representatives Schindler, DeBolt and Orcutt spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 47 YEAS; 51 NAYS. The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (424):

On page 10, after line 19, insert the following:

**"Sec. 6.** RCW 36.70A.280 and 1996 c 325 s 2 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the procedural requirements of this chapter as they relate to the adoption of comprehensive plans and development regulations, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to the adoption of plans, development regulations, or amendments(~~(- adopted)~~) under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 7.** RCW 36.70A.290 and 1997 c 429 s 12 are each amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether ~~((or not an adopted))~~ the adoption of a comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in RCW 36.70A.295, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan adoption or the same development regulation or regulations adoption.

**Sec. 8.** RCW 36.70A.302 and 1997 c 429 s 16 are each amended to read as follows:

(1) A board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;

(b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that ~~the ((continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of))~~ adoption of the plan or regulation was not in compliance with this chapter; and

(c) Specifies in the final order the particular ~~((part or parts of the plan or regulation))~~ adoption actions that are determined to be invalid, and the reasons for their invalidity.

(2) A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the board's order by the county or city or to related construction permits for that project.

(3)(a) Except as otherwise provided in subsection (2) of this section and (b) of this subsection, a development permit application not vested under state or local law before receipt of the board's order by the county or city vests to the local ordinance or resolution that is determined by the board not to substantially interfere with the fulfillment of the goals of this chapter.

(b) Even though the application is not vested under state or local law before receipt by the county or city of the board's order, a determination of invalidity does not apply to a development permit application for:

(i) A permit for construction by any owner, lessee, or contract purchaser of a single-family residence for his or her own use or for the use of his or her family on a lot existing before receipt by the county or city of the board's order, except as otherwise specifically provided in the board's order to protect the public health and safety;

(ii) A building permit and related construction permits for remodeling, tenant improvements, or expansion of an existing structure on a lot existing before receipt of the board's order by the county or city; and

(iii) A boundary line adjustment or a division of land that does not increase the number of buildable lots existing before receipt of the board's order by the county or city.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (1) of this section whether the prior policies or regulations are valid during the period of remand.

(5) A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that ~~((empty))~~ are adopted in compliance with the requirements of this chapter. A development permit application may vest under an interim control or measure ~~((upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter))~~.

(6) A county or city subject to a determination of invalidity may file a motion requesting that the board clarify, modify, or rescind the order. The board shall expeditiously schedule a hearing on the motion. At the hearing on the motion, the parties may present information to the board to clarify the ~~((part or parts of the))~~ comprehensive plan or development regulations adoption actions to which the final order applies. The board shall issue any supplemental order based on the information provided at the hearing not later than thirty days after the date of the hearing.

~~(7)((a))~~ If a determination of invalidity has been made and the county or city has enacted an ordinance or resolution ~~((amending))~~ adopting the invalidated ~~((part or parts of the))~~ plan or regulation or establishing interim controls on development affected by the order of invalidity, after a compliance hearing, the board shall modify or rescind the determination of invalidity if it determines under the standard in subsection (1) of this section that the plan ~~((or))~~ regulation, ~~((as amended or made subject to such))~~ or interim controls ~~((will no longer substantially interfere with the fulfillment of the goals of))~~ adoption complies with the requirements of this chapter.

~~((b) If the board determines that part or parts of the plan or regulation are no longer invalid as provided in this subsection, but does not find that the plan or regulation is in compliance with all of the requirements of this chapter, the board, in its order, may require periodic reports to the board on the progress the jurisdiction is making towards compliance.))~~

**Sec. 9.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity ~~((will no longer substantially interfere with the fulfillment of the goals of))~~ was adopted in compliance with this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 10.** RCW 90.58.190 and 1995 c 347 s 311 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

~~((a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.~~



~~(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.~~

~~(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.~~

~~(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.~~

~~(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.~~

~~(3))~~(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government (~~(not planning under RCW 36.70A.040)~~) shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

~~((4))~~ (3) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment."

Correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 48 YEAS; 50 NAYS. The amendment was not adopted.

With the consent of the House, amendment (470) was withdrawn.

Representative Campbell moved the adoption of amendment (450):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that local governments in the state of Washington face enormous challenges in the area of criminal justice and public health. It is the legislature's intent to allow local governments to raise revenues in order to better protect the health and safety of Washington state and its residents. It is further the intent of the legislature to provide local governments relief from regulatory burdens that do not harm the public health and safety of the citizens of the state as a means of minimizing the need to generate new revenues authorized under this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must include the purposes for which the proposed sales and use tax will be used. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale of new motor vehicles, and the lease of new motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice purposes" means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.

(5) Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county.

**Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for (~~(Clallam,))~~ Clark, (~~(Jefferson,))~~ King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, Clallam, Jefferson, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

**Sec. 4.** RCW 84.55.050 and 1989 c 287 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (3)(b) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state any conditions which are applicable under subsection (3) of this section.

(2) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsections (3) and (4) of this section.

(3) A proposition placed before the voters under this section may:

(a) Limit the period for which the increased levy is to be made;

(b) Authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years;

(c) Limit the purpose for which the increased levy is to be made, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((e))~~ (d) Set the levy at a rate less than the maximum rate allowed for the district;

(e) Provide that the maximum allowable dollar amount of the final annual levy of the period specified in the measure shall be used to compute the limitations provided for in this chapter on levy increases occurring after the expiration of the period; or

~~((d))~~ (f) Include any combination of the conditions in this subsection.

(4) Except as otherwise provided in an approved ballot measure under this section, after the expiration of a limited period or the satisfaction of a limited purpose, whichever comes first, subsequent levies shall be computed as if:

- (a) The limited proposition under subsection (3) of this section had not been approved; and
- (b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition.

**Sec. 5.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1)(a) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection ((5)) (6) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

(b) Once a county meets either of these sets of criteria and the county has not removed itself from the requirement to plan under this section pursuant to subsection (3) of this section, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter unless the county removes itself from the requirement to plan under this section pursuant to subsection (3) of this section.

(3) A county that meets the requirements of this subsection, and a city located within the county, may be relieved from the requirement to plan under this section.

(a) A county may be relieved from the planning requirement of this section only if the county: (i) Has a population of less than ten thousand; (ii) has a privately owned taxable land base of less than twenty percent; and (iii) includes no more than one incorporated city.

(b) To be relieved from the planning requirement of this section, a county shall adopt a resolution that removes the county and the city from the requirement to plan and shall file the resolution with the department. Removal shall be deemed to occur on the date the resolution is filed with the department.

(4) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section and has not removed itself under subsection (3) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

((4)) (5) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section and the county has not removed itself pursuant to subsection (3) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county- wide planning policy under RCW

36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((5))~~ (6) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((6))~~ (7) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

~~((7))~~ (8) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title.

Representative Orcutt moved the adoption of amendment (457) to amendment (450):

On page 2, line 8, after "distributed" strike "on a per capita basis to cities in the county" and insert "to cities in the county in proportion to the amount of the tax collected in each city"

Representatives Orcutt, DeBolt and Orcutt (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 46 YEAS; 52 NAYS. The amendment to the amendment was not adopted.

Representative McMahan moved to adoption of amendment (469) to amendment (450):

On page 2, line 8, after "distributed" strike "on a per capita basis to cities in the county" and insert "to cities in the county in proportion to the amount of the tax collected in each city"

Representatives McMahan and Lantz spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Miloscia moved the adoption of amendment (455) to amendment (450):

On page 2 of the amendment, after line 9, insert the following:

"(6) Any city or county that receives voter approval for authorization of new or increased taxes under this act must have a performance audit conducted by the state auditor every five years, must implement a quality management program within five years of voter approval, and must conduct a yearly quality management self assessment after the initial implementation of a quality management program."

Representatives Miloscia and Armstrong spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 56 YEAS; 42 NAYS. The amendment to the amendment was adopted.

Representative Orcutt moved the adoption of amendment (458) to amendment (450):

On page 5, line 23, strike all of section 4

Re-number remaining sections consecutively and correct internal references accordingly.

Representative Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (471) to amendment (450):

On page 6 of the amendment, line 10, strike "six" and insert "four"

On page 6 of the amendment, line 12, after "computed" strike all material through "first year" on line 14 and insert ". The ballot proposition must state the dollar rate proposed for each"

Representatives Orcutt, McMahan and Bush spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 43 YEAS; 55 NAYS. The amendment to the amendment was not adopted.

Representative Shabro moved the adoption of amendment (464) to amendment (450):

On page 6, line 10, strike "six" and insert "four"

Representative Shabro spoke in favor of the adoption of the amendment to the amendment.

Representative Gombosky spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

The question before the House was the adoption of amendment (450) as amended.

Representatives Campbell, Gombosky and Bush spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Gombosky spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5659, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Bailey, Berkey, Bush, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Morrell, Murray, O'Brien, Pettigrew, Priest, Rockefeller, Ruderman, Santos, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Cairnes, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Haigh, Hinkle, Holmquist, Kristiansen, Lantz, Mastin, McMahan, Mielke, Moeller, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Quall, Roach, Romero, Schindler, Schoesler, Schual-Berke, Shabro, Skinner, Upthegrove, Wallace and Woods - 42.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, By Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Prentice, Hewitt, Rasmussen, Mulliken, Sheahan and Oke)**

**Concerning electrical work.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Amendment (423) was ruled out of order.

Representative Conway moved the adoption of amendment (456):

Strike everything after the enacting clause and insert the following:

### **"PART 1 - DEFINITIONS**

**Sec. 101.** RCW 19.28.006 and 2002 c 249 s 1 are each amended to read as follows:

The definitions in this section apply throughout this subchapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Basic electrical work" means the work classified in (a) and (b) of this subsection as class A and class B basic electrical work:

(a) "Class A basic electrical work" means the like-in-kind replacement of a: Contactors, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; ten horsepower or smaller motor; or wiring, appliances, devices, or equipment as specified by rule.

(b) "Class B basic electrical work" means work other than class A basic electrical work that requires minimal electrical circuit modifications and has limited exposure hazards. Class B basic electrical work includes the following:

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary; and

(B) The extension does not supply more than two outlets;

(ii) Like-in-kind replacement of a single luminaire not exceeding two hundred seventy-seven volts and twenty amps;

(iii) Like-in-kind replacement of a motor larger than ten horsepower;

(iv) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one and two-family dwellings;

(B) Repair and replacement of the following devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the national electrical code; or

(v) Wiring, appliances, devices, or equipment as specified by rule.

(3) "Board" means the electrical board under RCW 19.28.311.

~~((3))~~ (4) "Chapter" or "subchapter" means the subchapter, if no chapter number is referenced.

~~((4))~~ (5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department or the director's designee.

~~((6))~~ (7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

~~((7))~~ (8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((8))~~ (9) "Equipment" means any equipment or apparatus that directly uses, conducts, insulates, or is operated by electricity but does not mean: Plug-in appliances; or plug-in equipment as determined by the department by rule.

~~((9))~~ (10) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

~~((10))~~ (11) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((11))~~ (12) "Like-in-kind" means having similar characteristics such as voltage requirements, current draw, and function, and being in the same location.

(13) "Master electrician" means either a master journeyman electrician or master specialty electrician.

~~((12))~~ (14) "Master journeyman electrician" means a person who has been issued a master journeyman electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((13))~~ (15) "Master specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((14))~~ (16) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

**Sec. 102.** RCW 18.106.010 and 2002 c 82 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;



(2) "Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter;

(3) "Department" means the department of labor and industries;

(4) "Director" means the director of department of labor and industries;

(5) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(6) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location;

(7) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

~~((7))~~ (8) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;

~~((8))~~ (9) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;

~~((9))~~ (10) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:

(a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or

(b) Maintenance and repair of backflow prevention assemblies.

## PART 2 - BASIC ELECTRICAL WORK

**Sec. 201.** RCW 19.28.101 and 1996 c 241 s 4 are each amended to read as follows:

(1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies except for basic electrical work as defined in this chapter. The department may not require an electrical work permit for class A basic electrical work unless deficiencies in the installation or repair require inspection. The department may inspect class B basic electrical work on a random basis as specified by the department in rule. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(3).

(2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. At the time of the inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to employ any testing methods that will verify conformance with the national electrical code and any other requirements of this chapter.

(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before

requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

**Sec. 202.** RCW 19.28.141 and 2001 c 211 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the provisions of RCW 19.28.101 shall not apply:

~~((4))~~ (a) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter.

~~((2))~~ (b) Within the service area of an electricity supply agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect (~~(= PROVIDED, That such)~~). The city, town, or agency shall (~~(henceforth)~~) enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as (~~(is)~~) are enforced by the department of labor and industries under (~~(the authority of)~~) this chapter (~~(= PROVIDED FURTHER, That)~~). Fees charged (~~(henceforth)~~) in connection with such enforcement shall not exceed those established in RCW 19.28.101.

~~((3))~~ (c) Within the rights of way of state highways, provided the state department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by RCW 19.28.010 through 19.28.141 and 19.28.311 through 19.28.361.

(2) A city, town, or electrical supply agency is permitted, but not required, to enforce the same permitting and inspection standards applicable to basic electrical work as are enforced by the department of labor and industries.

### PART 3 - INCIDENTAL ELECTRICAL WORK

**Sec. 301.** RCW 19.28.091 and 2001 c 211 s 6 are each amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer.

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares;

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.041 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles.

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

(6) The department may by rule exempt from licensing requirements under this chapter work performed on premanufactured electric power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch.

(7) An entity that currently holds a valid specialty or general plumbing contractor's registration under chapter 18.27 RCW may employ a certified plumber, a certified residential plumber, or a plumber trainee meeting the requirements of chapter 18.106 RCW to perform electrical work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. A plumber trainee must be supervised by a certified plumber or a certified residential plumber while performing electrical work. The electrical work is subject to the permitting and inspection requirements of this chapter.

**Sec. 302.** RCW 19.28.261 and 2001 c 211 s 19 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

~~((1))~~ (a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

~~((2))~~ (b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work; ~~((3))~~

~~((4))~~ (c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(7).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

#### **PART 4 - INCIDENTAL PLUMBING WORK**

**Sec. 401.** RCW 18.27.090 and 2001 c 159 s 7 are each amended to read as follows:

The registration provisions of this chapter do not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

- (3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;
- (4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;
- (5) The sale or installation of any finished products, materials, or articles of merchandise that are not actually fabricated into and do not become a permanent fixed part of a structure;
- (6) Any construction, alteration, improvement, or repair of personal property performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;
- (7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;
- (8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;
- (9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;
- (10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;
- (11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors;
- (12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;
- (13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;
- (14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;
- (15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;
- (16) Contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work;
- (17) A mobile/manufactured home dealer or manufacturer who subcontracts the installation, set-up, or repair work to actively registered contractors. This exemption only applies to the installation, set-up, or repair of the mobile/manufactured homes that were manufactured or sold by the mobile/manufactured home dealer or manufacturer;
- (18) An entity who holds a valid electrical contractor's license under chapter 19.28 RCW that employs a certified journeyman electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. An electrical trainee must be supervised by a certified electrician while performing plumbing work.

**Sec. 402.** RCW 18.106.150 and 1973 1st ex.s. c 175 s 15 are each amended to read as follows:

- (1) Nothing in this chapter shall be construed to require that a person obtain a license or a certified plumber in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her. ~~((Any person performing plumbing work on a farm may do so without having))~~
- (2) A current certificate of competency or apprentice permit is not required for: ~~((PROVIDED, HOWEVER, That))~~
- (a) Persons performing plumbing work on a farm; or

(b) Certified journeyman electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18).

(3) Nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing(~~(= AND PROVIDED FURTHER, That))~~).

(4) This chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees(~~(= AND PROVIDED FURTHER, That))~~).

(5) Nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates(~~(= AND PROVIDED FURTHER, That))~~).

(6) Nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing.

## **PART 5 - ELECTRIC APPLIANCE REPAIR**

**NEW SECTION. Sec. 501.** A new section is added to chapter 19.28 RCW under the subchapter heading "provisions applicable to electrical installations" to read as follows:

(1) Until July 1, 2004, the repair, maintenance, or replacement of an electric appliance is exempt from licensing and certification requirements under RCW 19.28.091 and 19.28.161.

(2) For the purposes of this section, "repair, maintenance, or replacement of an electric appliance" means servicing, maintaining, repairing, or replacing household appliances, small commercial/ industrial appliances, and other small utilization equipment. The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance or utilization equipment must be connected as a single unit to a single source of electrical power limited to a maximum of two hundred fifty volts, sixty amperes, single phase.

(a) "Repair, maintenance, or replacement of an electric appliance" includes the like-in-kind replacement of the appliance or utilization equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. It also includes:

(i) The like-in-kind replacement of electrical components within the appliance or equipment;

(ii) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(iii) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(b) "Repair, maintenance, or replacement of an electric appliance" does not include:

(i) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components; or

(ii) Any work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(3) For the purposes of this section, "appliances and utilization equipment" include, but are not limited to: Dishwashers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales. "Appliances and utilization equipment" do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

**NEW SECTION. Sec. 502.** (1) A joint legislative task force is created to review licensing and certification requirements under RCW 19.28.091 and 19.28.161 as they pertain to the repair, maintenance, or replacement of an electric appliance, and as they compare to licensing and certification requirements in other states. The task force membership consists of: (a) One member from each caucus of the senate commerce and trade committee, appointed by the president of the senate; (b) one member from each caucus of the house of representatives commerce and labor committee, appointed by the speaker of the house of representatives; and (c) representatives of electrical contractors, journey level electrical workers, appliance repair businesses, appliance repair technicians, and residential consumers, appointed jointly by the president of the senate and the speaker of the house of representatives. The department of labor and industries shall cooperate with the task force and provide such technical expertise as the task force cochaIRS may reasonably require. The task force shall choose its cochaIRS from among its membership. The task force shall use legislative facilities and staff from senate committee services and the office of program research. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and

43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives. The task force shall report its findings and recommendations for legislation or rule making, if any, to the legislature by December 1, 2003.

(2) This section expires July 1, 2004.

## PART 6 - ELECTRIC EQUIPMENT REPAIR

**Sec. 601.** RCW 19.28.191 and 2002 c 249 s 5 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journeyman electrician, journeyman electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journeyman electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journeyman electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journeyman electrician certificate of competency the applicant must have possessed a valid journeyman electrician certificate of competency for four years.

~~((d))~~ (e) To be eligible to take the examination for a master specialty electrician certificate of competency the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

~~((e))~~ (f) To be eligible to take the examination for a journeyman certificate of competency the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journeyman electrician or journeyman electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journeyman electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

~~((f))~~ (g) To be eligible to take the examination for a specialty electrician certificate of competency the applicant must have:

(i) Worked in the residential (as specified in WAC 296-46A- 930(2)(a)), pump and irrigation (as specified in WAC 296-46A- 930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties as determined by the department in rule under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours; or

(ii) Worked in the appliance repair specialty as determined by the department in rule, the equipment repair specialty as determined by the department in rule, or a specialty other than the designated specialties in ~~((g))~~ (g)(i) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The initial period must be spent under one hundred percent supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ~~((g))~~ (g)(i) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

~~((g))~~ (h) Any applicant for a journeyman electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW may substitute up to two years of the technical or trade school program for two years of work experience under a master journeyman electrician or journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journeyman electrician certificate of competency.

~~((h))~~ (i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

~~((i))~~ (j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journeyman electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((j))~~ (k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, full-time basis means two thousand hours.

**NEW SECTION. Sec. 602.** A new section is added to chapter 19.28 RCW under the subchapter heading "provisions applicable to electrical installations" to read as follows:

(1) The scope of work for the equipment repair specialty involves servicing, maintaining, repairing, or replacing utilization equipment.

(2) "Utilization equipment" means equipment that is: (a) Self-contained on a single skid or frame; (b) factory built to standardized sizes or types; (c) listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030; and (d) connected as a single unit to a single source of electrical power limited to a maximum of six hundred volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of two hundred fifty volts. Utilization equipment does not include devices used for occupant space heating by industrial, commercial, hospital, educational, public, and private commercial buildings, and other end users.

(3) "Servicing, maintaining, repairing, or replacing utilization equipment" includes:

(a) The like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(b) The like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment;

(c) The like-in-kind replacement or repair of electrical components within the equipment; and

(d) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

- (4) "Servicing, maintaining, repairing, or replacing utilization equipment" does not include:
- (a) The installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, motor control centers, remote magnetic starters/contactors, or raceway/conductor systems interconnecting multiple equipment or other electrical components;
  - (b) Any work providing electrical feeds into the power distribution unit or installation of conduits and raceways; or
  - (c) Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations), except for electrical work in sewage pumping stations.

## **PART 7 - BOILER REPAIR**

**NEW SECTION. Sec. 701.** (1) Until July 1, 2004, the department of labor and industries shall cease to administer and enforce licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101, as applied only to maintenance work on the electrical controls of a boiler performed by an employee of a service company.

(2) The electrical board and the board of boiler rules shall jointly evaluate whether electrical licensing, certification, inspection, and permitting requirements should apply to maintenance work on the electrical controls of a boiler performed by an employee of a service company. The electrical board shall report their joint findings and recommendations for legislation or rule making, if any, to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1, 2003.

(3) This section expires July 1, 2004.

## **PART 8 - PLUMBING CONTINUING EDUCATION**

**Sec. 801.** RCW 18.106.070 and 1997 c 326 s 6 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. ~~((A renewal fee shall be assessed for each certificate.))~~ The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past two years has completed sixteen hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The journeyman plumber and specialty plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber, specialty plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day



unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) ~~((From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988,))~~ Not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and ~~((c) effective July 1, 1988,))~~ (b) not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

(5) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under RCW 19.28.091.

(6) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (5) of this section.

## PART 9 - MISCELLANEOUS

NEW SECTION. Sec. 901. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 902. Sections 501, 601, and 701 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representative Kessler moved the adoption of amendment (459) to amendment (456):

On page 14 of the striking amendment, beginning on line 23, strike all of sections 501 and 502 and insert the following:

"NEW SECTION. Sec. 501. A new section is added to chapter 19.28 RCW under the subchapter heading "provisions applicable to electrical installations" to read as follows:

(1) The repair, maintenance, or replacement of an electric appliance, if performed by an employee of a manufacturer-authorized dealer or service company, is exempt from licensing and certification requirements under RCW 19.28.091 and RCW 19.28.161.

(2) A joint legislative task force is created to review licensing and certification requirements under RCW 19.28.091 and RCW 19.28.161 as they pertain to the repair, maintenance, or replacement of an electric appliance, and as they compare to licensing and certification requirements in other states. The task force membership shall consist of: (a) One member from each caucus of the senate commerce and trade committee, appointed by the president of the senate; (b) one member from each caucus of the house commerce and labor committee, appointed by the speaker of the house of representatives; and (c) representatives of electrical contractors, journey level electrical workers, appliance repair businesses, appliance repair technicians, and residential consumers, appointed jointly by the president of the senate and the speaker of the house of representatives. The department of labor and industries shall cooperate with the task force and provide such technical expertise as the task force cochairs may reasonably require. The task force shall choose its cochairs from among its membership. The task force shall use legislative facilities and staff from senate committee services and the office of program research. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and RCW 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives. The task force shall report its findings and recommendations for legislation or rulemaking, if any, to the legislature by December 1, 2003.

(3) For the purposes of this section, "repair, maintenance, or replacement of an electric appliance" means servicing, maintaining, repairing, or replacing household appliances and similar utilization equipment, other than space heating equipment, in a residential occupancy. The appliance or utilization equipment must be

self-contained and built to standardized sizes or types. The appliance or utilization equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(a) "Repair, maintenance, or replacement of an electric appliance" includes the like-in-kind replacement of the appliance or utilization equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. It also includes:

- (i) The like-in-kind replacement of electrical components within the appliance or equipment;
- (ii) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and
- (iii) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(b) "Repair, maintenance, or replacement of an electric appliance" does not include:

(i) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components; or

(ii) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(4) For the purposes of this section, "electric appliance" means appliances and utilization equipment including, but not limited to, dish washers, ovens, water heating equipment, cook tops, ranges, instant hot water dispensers, garbage disposers, vent hoods, warming drawers, and grills.

(b) "Electric appliance" does not include systems and equipment such as office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, scales, alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.)."

Representatives Kessler, Chandler and Clements spoke in favor of the adoption of the amendment.

Representatives Conway and Wood spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Chandler moved the adoption of amendment (472) to amendment (456):

On page 17 of the striking amendment, line 12, after "(c)" insert the following:

"Before December 1, 2003, a person who provides evidence in a form prescribed by the department affirming that he or she has worked in the HVAC/refrigeration specialty for a minimum of four thousand hours may obtain a HVAC/refrigeration specialty electrician certificate of competency without examination.

(d)"

Reletter the remaining subsections and correct internal references accordingly.

On page 25 of the striking amendment, after line 8, insert the following:

"**Sec. 901.** RCW 19.28.061 and 2002 c 249 s 3 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required master electrician's or administrator's examination. ~~((Effective July 1, 1987, a))~~ A supervisory employee designated as the electrical contractor's master electrician or administrator shall be a full-time supervisory employee. This person shall be designated as master electrician or administrator under the license. No person may concurrently qualify as master electrician or administrator for more than one contractor. If the relationship of the master electrician or administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another master electrician or administrator is qualified by the board. However, if the master electrician or administrator dies or is otherwise incapacitated, the contractor's license is void within one hundred eighty days unless another master electrician or administrator is qualified by the board. The contractor must notify the department in writing within

ten days if the master electrician's or administrator's relationship with the contractor terminates due to the master electrician's or administrator's death or incapacitation.

(2) The department must issue an administrator's certificate to all applicants who have passed the examination as provided in RCW 19.28.051 and this section, and who have complied with the rules adopted under this chapter, or who qualify to obtain an administrator's certificate without examination under subsection (3) of this section. The administrator's certificate must bear the date of issuance, expires on the holder's birthday, and is nontransferable. The certificate must be renewed every three years, upon application, on or before the holder's birthday.

(a) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed by appropriate application without examination unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date.

(b) The contents and requirements for satisfactory completion of the continuing education course must be determined by the director and approved by the board.

(c) The department must accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate.

(3) Before December 1, 2003, a person who provides evidence in a form prescribed by the department affirming that he or she has worked in the HVAC/refrigeration specialty for a minimum of eight thousand hours may obtain a HVAC/refrigeration specialty electrical administrator certificate of competency without examination.

(4) A fee must be assessed for each administrator's certificate and for each renewal. An individual holding more than one administrator's certificate under this chapter is not required to pay fees for more than one certificate. The department must set the fees by rule for issuance and renewal of a certificate. The fees must cover, but not exceed, the costs of issuing the certificates and of administering and enforcing the administrator certification requirements of this chapter.

~~((4))~~ (5) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked for a serious violation and all appeals concerning the revocation have been exhausted. For the purposes of this section only, a serious violation is a violation that presents imminent danger to the public. The certificate may be renewed for a three-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. A person may take the administrator's examination as many times as necessary to pass without limit.

~~((5))~~ (6) The designated master electrician or administrator shall:

(a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.

~~((6))~~ (7) The department shall not by rule change the administrator's duties under subsection ~~((5))~~ (6) of this section."

Renumber the remaining sections and correct internal references accordingly.

Representative Chandler spoke in favor of the adoption of the amendment to the amendment.

Representative Conway spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

The question before the House was the adoption of amendment (456) as amended.

Representatives Conway and Chandler spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Cooper - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SECOND SUBSTITUTE SENATE BILL NO. 5890, By Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Rasmussen and Parlette)**

#### **Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For amendment, see Journal 82<sup>nd</sup> Day, April 4, 2003.)

Representative Conway moved the adoption of amendment (476):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature is interested in tracking the rule development and implementation process for cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides. The department of labor and industries and stakeholders representing agricultural employers and employees shall report to the house commerce and labor committee and the senate agriculture committee by September 1, 2003, and by December 1, 2003, on the status of the rule development and implementation."

Correct the title.

Representatives Conway, Chandler and Grant spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Conway, Chandler and Grant spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5890, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5890, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE SENATE BILL NO. 5890, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5787, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn)**

#### **Protecting water quality.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was not adopted. (For amendment, see Journal 82<sup>nd</sup> Day, April 4, 2003.)

Representative Linville moved the adoption of amendment (366):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.48 RCW to read as follows:

(1) In order to ensure that construction projects involving the use of fill material do not pose a threat to water quality, the department may require that the suitability of potential fill material be evaluated using a leaching test included in the soil clean-up rules adopted by the department under chapter 70.105D RCW in any water quality certification issued under section 401 of the federal clean water act and in any administrative order issued under this chapter, where such certification or administrative order authorizes the placement of fill material, some or all of which will be placed in waters of the state. Any such requirement imposed by the department in a water quality certification or administrative order issued prior to the effective date of this section is ratified and approved by the legislature as a valid and reliable method for determining concentrations of chemical constituents that can be present in fill material without posing an unacceptable risk of violating water quality standards, and shall be in effect as imposed by the department for all work not completed by June 1, 2003.

(2) Nothing in this section limits, in any way, the department's authority under this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:

The department shall identify the leaching tests utilized for evaluating the potential impacts to water quality in situations where fill material is imported. The tests may include those identified in the soil clean-up rules adopted by the department under chapter 70.105D RCW. Within existing resources, the department shall assess whether this list of leaching tests provides appropriate methods for analyzing water quality impacts for all types of projects and in all circumstances where fill material is imported. The department shall also identify any gaps in leaching test methodology. The department shall report both the leaching test list and the list of test methodology gaps to the appropriate committees of the legislature by December 31, 2003.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative McDermott moved the adoption of amendment (481) to amendment (366):

24 On page 1, line 16 of the striking amendment, after "state." strike all material through "2003." on line

Representatives McDermott and Schual-Berke spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Schual-Berke moved the adoption of amendment (486) to amendment (366):

On page 1, line 25 of the amendment, after "(2)" insert "In addition to any penalty that may be imposed according to RCW 90.48.140 and civil damages awarded according to RCW 90.48.142, a person may be liable for damages to any person who is injured or whose property is damaged because of a violation of the provisions of this chapter related to a project for which the suitability of fill material was evaluated using a leaching test according to subsection (1) of this section. The person who is injured or whose property is damaged may file an action in superior court to recover damages, including reasonable attorneys fees. For purposes of this action, any violation of the provisions of this chapter related to a project for which the suitability of fill material was evaluated using a leaching test according to subsection (1) of this section shall be considered negligence per se according to RCW 5.40.050.

(3)"

On page 1, after line 26 of the amendment, insert the following:

"**Sec. 2.** RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, sterilization of needles and instruments used in tattooing or electrology as required under RCW 70.54.350, violation of the provisions of chapter 90.48 RCW as specified in section 1 of this act, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Schual-Berke spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Santos moved the adoption of amendment (487) to amendment (366):

On page 1, line 25 of the amendment, after "(2)" insert "In enacting this section the legislature does not intend to limit, reduce, alter, or change the authority or jurisdiction of the pollution control hearings board as specified in RCW 43.21B.090 and 43.21B.110 or the authority of the Washington supreme court in reviewing decisions of the pollution control hearings board.

(3)"

Representative Santos spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Santos moved the adoption of amendment (488) to amendment (366):

On page 1, line 25 of the amendment, after "(2)" insert "In enacting this section the legislature does not intend to limit, reduce, alter, or change the authority or jurisdiction of the pollution control hearings board as specified in RCW 43.21B.090 and 43.21B.110 or the authority of the Washington supreme court in reviewing decisions of the pollution control hearings board.

(3)"

Representative Santos spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Upthegrove moved the adoption of amendment (485) to amendment (366):

On page 2, after line 8 of the amendment, insert the following:

**"NEW SECTION. Sec. 3.** (1) The legislature finds that construction projects may create environmental impacts on the project site and in surrounding areas. The legislature recognizes that the state's environmental and project review laws are intended to mitigate the impacts of construction projects for the benefit of citizens, property owners, and the public. The legislature also finds that the environmental impacts of large, complex construction projects may affect an area much larger than the project site and surrounding community.

(2) The legislature recognizes a concern that the importation of fill material according to the provisions of section 1 of this act for large, complex construction projects may pose environmental risk in an area much larger than the project site and surrounding community. The legislature also recognizes that identifying the areas affected by a large, complex construction project may be difficult.

(3) The legislature also finds that construction or expansion of large regional airports are large, complex construction projects which may raise the concern identified in subsection (2) of this section. The legislature finds that, while these projects provide benefits to the state, qualify as essential public facilities according to the state growth management act, and provide numerous job-making economic development benefits to businesses and individuals by moving goods to and from markets and by fostering travel, these projects may create substantial environmental and other impacts to local communities that prove financially disadvantageous and detrimental to the quality of life for residents in the impacted areas. This legislature finds that this concern is magnified when the construction project involves the importation of fill material, as fill importation creates the potential of introducing contaminants into the area or of exacerbating soil contamination in the area. The legislature also finds that fill importation raises the potential of affecting water quality if fill is placed in or near a water body or if contaminants from the soil leach into a surface or ground water body. The legislature recognizes a need to balance the pressing need for construction projects related to the construction or expansion or airport facilities and the impacts they may create.

(4) The legislature recognizes the inequitable burden borne by residents and communities of the surrounding areas affected by the activities, construction, or expansion of large regional airports. The Legislature therefore intends to establish a mechanism to provide mitigation to surrounding residents and communities affected by activities associated with large regional airports and the impacts of construction or expansion of those airports that involve the importation of fill material.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) On or before October 1, 2003, the department shall establish an aviation mitigation zone for any large regional airport located in the state of Washington. An aviation mitigation zone shall only include the following:

(a) Cities with a population fewer than forty thousand adjacent to the city within which the large regional airport is located;

(b) Cities with a population fewer than ten thousand adjacent to a city qualifying for inclusion in the mitigation zone according to the criteria established by (a) of this subsection; and

(c) Any portion of any incorporated or unincorporated area that is within a 60 Ldn noise level contour of the large regional airport as determined by the aircraft noise measurement methodology described in 14 C.F.R., Appendix A to Part 150 -- Noise Exposure Maps, as of the effective date of this act.

(2)(a) For the purposes of this section, "Ldn" means yearly day-night average sound level.

(b) For the purposes of this section, "large regional airport" means an airport serving more than twenty scheduled jet aircraft flights per day operated by a port district in a county with a population greater than one million.

**NEW SECTION. Sec. 5.** A new section is added to chapter 84.08 RCW to read as follows:

(1) For the purposes of establishing aviation mitigation zones in accordance with the provisions of section 4 of this act, on or before September 15, 2003, the department shall develop a noise exposure map for any large regional airport meeting the criteria established by section 4 of this act. The noise exposure map shall be prepared in accordance with the methodology described in 14 C.F.R., Appendix A to Part 150 -- Noise Exposure Maps, as of the effective date of this act. The noise exposure map shall include a 60 Ldn noise level contour. The department may use noise exposure data collected or produced by an applicable port district when developing a noise exposure map required by this section.

(2) For the purposes of this section, "Ldn" has the same meaning as in section 4 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 84.36 RCW to read as follows:

(1) If any portion of a tract or parcel of real property is within an aviation mitigation zone established under section 4 of this act, the entire tract or parcel is exempt from port taxes.

(2) If any portion of a tract or parcel of real property is within an aviation mitigation zone established under section 4 of this act, the entire tract or parcel is exempt from property taxes levied for any state purpose.

(3) The county assessor shall not require an exemption application for properties that the assessor knows are eligible for exemption under this section based on an aviation mitigation zone established under section 4 of this act. However, a property owner may submit a written request to the assessor requesting exemption under this section. After determining whether the property is eligible for exemption under this section, the assessor shall give written notice of denial or approval to the property owner within thirty days of the date the request was received. A denial may be appealed to the board of equalization of the county in which the property is located within thirty days of the date the denial notice is mailed.

(4) For the purposes of this section, "port taxes" means taxes imposed by a port district that operates a large regional airport for which an aviation mitigation zone is established under section 4 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 84.55 RCW to read as follows:

The levy for a taxing district in any year shall be reduced as necessary to prevent exemptions under section 6(1) of this act from resulting in a higher tax rate than would have occurred in the absence of the exemptions under section 6(1) of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.79 RCW to read as follows:

(1) The aviation mitigation account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for aviation mitigation purposes within the following:

(a) Any city included wholly or partially within the aviation mitigation zone established by section 4 of this act; and

(b) Any unincorporated territory included within the aviation mitigation zone established by section 4 of this act.

(2) Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account established by this section.

**NEW SECTION. Sec. 9.** Section 6 of this act applies to taxes levied for collection in 2004 and thereafter."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

## POINT OF ORDER

Representative Kessler requested a scope and object ruling on amendment (485) to amendment (366) to Substitution Senate Bill No. 5787.



## **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "Substitute Senate Bill No. 5787 is entitled an act relating to "the use of a leaching test in state water quality certifications." The substitute bill, as passed by the Senate, authorizes the Department of Ecology to require use of a specified leaching test to evaluate the suitability of fill material that will be placed in the waters of the state.

Amendment (485) requires the Department of Community, Trade and Economic Development to establish an aviation mitigation zone for any qualifying large regional airport, provides tax preferences for properties within such zones, and establishes an aviation zone mitigation account.

The scope and object of the substitute bill is narrow – authorizing the Department of Ecology to require use of a certain water quality test. The amendment does not address testing or water quality certification and is clearly outside the scope and object of the bill.

Representative Kessler, your point of order is well taken."

Representative McDermott moved the adoption of amendment (479) to amendment (366):

On page 2, beginning on line 9 of the striking amendment, strike all of section 3

Correct the title.

Representative McDermott spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

The question before the House was adoption of amendment (366). The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Linville, Mastin, Clibborn, Conway and Sommers spoke in favor of passage of the bill.

Representatives McDermott, Ericksen, Santos, Rockefeller, Dickerson, Priest, Upthegrove, Darneille and Schual-Berke spoke against the passage of the bill.

## **MOTIONS**

On motion of Representative Clements, Representatives Ahern, Benson, Boldt, Cox, Crouse, DeBolt, Delvin, Mielke, Schindler, Schoesler, and Skinner were excused. On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5787, as amended by the House.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5787, as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 25, Absent - 0, Excused - 12.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cooper, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Holmquist, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Linville, Lovick, Mastin, McDonald, McMahan,

McMorris, Morrell, Morris, Murray, Newhouse, Orcutt, Pearson, Pettigrew, Pflug, Quall, Roach, Ruderman, Sehlin, Shabro, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 61.

Voting nay: Representatives Cody, Darneille, Dickerson, Dunshee, Haigh, Hinkle, Hudgins, Hunt, Kagi, Lantz, McCoy, McDermott, McIntire, Miloscia, Moeller, Nixon, O'Brien, Priest, Rockefeller, Romero, Santos, Schual-Berke, Simpson, Upthegrove and Veloria - 25.

Excused: Representatives Ahern, Benson, Boldt, Cox, Crouse, DeBolt, Delvin, Edwards, Mielke, Schindler, Schoesler and Skinner - 12.

SUBSTITUTE SENATE BILL NO. 5787, as amended by the House, having received the necessary constitutional majority, was declared passed.

## RESOLUTION

HOUSE RESOLUTION NO.2003-4657, by Representatives Linville, Ericksen, Morris and Quall

WHEREAS, Our nation, our state, and the Bellingham and Whatcom County community in particular lost a great treasure and a wonderful inspiration with the passing earlier this month of a true friend, Joe Bertero; and

WHEREAS, People from across many generations have fond memories of this exceptional gentleman and his "Joe's Gardens," a Bellingham institution that Mr. Bertero and his wife, Ann, launched upward of 70 years ago, and that Carl and Karol Weston have carried on today; and

WHEREAS, Joe and Ann Bertero celebrated their seventy-third wedding anniversary this past January; and

WHEREAS, In living his principles to the very core of his being, Joe Bertero made his life a truly honorable example for all of us to follow; and

WHEREAS, Even well into his seventies twenty years ago, this caring, tremendous citizen, Joe Bertero, was putting in fifteen-hour days working the soil so that others could dine so well; and

WHEREAS, Joe Bertero was born in San Francisco, spent quite a few of his younger years in Italy, and moved to Whatcom County in 1925; and

WHEREAS, Young people over the decades learned the value of honest work through their employment at Joe's Gardens; and

WHEREAS, Joe's Gardens is a particularly cherished landmark in Bellingham's Happy Valley community, and, as *The Bellingham Herald* recently editorialized, "it is all that remains of the South Side's rich agricultural history";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the life, the work, and the dedication of Joe Bertero; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Joe Bertero.

HOUSE FLOOR RESOLUTION NO. 4657 was adopted.

## MESSAGE FROM THE SENATE

April 18, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5051,  
SUBSTITUTE SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5358,  
SUBSTITUTE SENATE BILL NO. 5409,  
SENATE BILL NO. 5507,  
SENATE BILL NO. 5662,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

**POINT OF PERSONAL PRIVILEGE**

Representative Upthegrove resigned his position as Assistant Caucus Whip.

There being no objection, the House adjourned until 10:00 a.m., April 21, 2003, the 99<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY SIXTH DAY, APRIL 18, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**NINETY NINTH DAY**

---

House Chamber, Olympia, Monday, April 21, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Benton and Felica Salcedo. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Rex Niblack, Rainier Chapel, Rainier.

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

**MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 5512, and the same is herewith transmitted.  
Milt H. Doumit, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1028, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The joint legislative audit and review committee shall:

(1) Review and analyze research, including research conducted by the Washington state institute for public policy, to identify programs that have been proven effective at (a) preserving families and (b) reducing crime committed by youth who are eleven to eighteen years of age;

(2) Report on the research findings about costs, benefits, and outcomes of the programs identified in subsection (1) of this section that (a) have been successfully implemented by local jurisdictions in Washington state; (b) have resulted in documented and measurable positive outcomes related to family preservation and juvenile crime reduction in Washington state; and (c) have resulted in cost savings, or were cost neutral, to the state budget;

(3) Report on the research findings about the role that financial and other incentives have played in stimulating local government investment in the programs identified in subsection (1) of this section; and

(4) Evaluate, recommend, and report where appropriate, options for financial and other incentives designed to encourage local government investment in the programs identified in subsection (1) of this section. Among the incentives that may be considered are those that reimburse local jurisdictions for a portion of the savings that accrue to the state as the result of local government investment in such programs.

In carrying out this review, the joint legislative audit and review committee may consider using a sample of local communities and local governments, but should be attentive to regional differences within the state.

The committee shall submit an interim report to the appropriate policy and fiscal committees of the legislature by September 1, 2004, and a final report to the same committees by September 1, 2005.

This section expires December 31, 2005."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a study of proven intervention and prevention programs for at-risk youth; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1028 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1057, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) The legislature finds that existing law as it relates to the suspension of commercial fishing licenses does not take into account the real-life circumstances faced by the state's commercial fishing fleets. The nature of the commercial fishing industry, together with the complexity of fisheries regulations, is such that honest mistakes can be made by well-meaning and otherwise law-abiding fishers. Commercial fishing violations that occur within an acceptable margin of error should not result in the suspension of fishing privileges. Likewise, fishers facing the possibility of license suspension or revocation deserve the opportunity to explain any extenuating circumstances prior to having his or her professional privileges suspended.

(b) The legislature intends, by creating the license suspension review committee, to provide a fisher with the opportunity to explain any extenuating circumstances that led to a commercial fishing violation. The legislature intends for the license suspension review committee to give serious considerations to the case-specific facts and scenarios leading up to a violation, and for license suspensions to issue only when the facts indicate a willful act that undermines the conservation of fish stocks. Frivolous violations should not result in the suspension of privileges, and should be punished only by the criminal sanctions attached to the underlying crime.

(2)(a) The legislature further finds that gross abuses of fish stocks should not be tolerated. Individuals convicted of even one violation that is egregious in nature, causing serious detriment to a fishery or the competitive disposition of other fishers, should have his or her license suspended and revoked.

(b) The legislature intends for the license suspension review committee to take egregious fisheries' violations seriously. When dealing with individuals convicted of only one violation, the license suspension review committee should only consider suspension for individuals that are convicted of violations that are of a severe magnitude and show a wanton disregard for the public's resource.

**Sec. 2.** RCW 77.15.700 and 2001 c 253 s 46 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

- (1) If directed by statute for an offense;
- (2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent. This subsection (2) does not apply to violations involving commercial fishing;
- (3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;
- (4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years;
- ~~(5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension).~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) If a person is convicted of two or more qualifying commercial fishing violations within a three-year period, the person's privileges to participate in the commercial fishery to which the violations applied may be suspended by the director for up to one year. A commercial fishery license that is suspended under this section may not be transferred after the director issues a notice of suspension, or used by an alternative operator or transferred during the period of suspension, if the person who is the subject of the suspension notice is the person who owns the commercial fishery license.

(2) For the purposes of this section only, "qualifying commercial fishing violation" means either:

(a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520, 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590;

(b) A gross misdemeanor or felony involving commercial fish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold fish, other than shellfish, groundfish, or coastal pelagic species of baitfish totals greater than six percent, by weight, of the harvest available for inspection at the time of citation and the cumulative value of the unlawfully harvested fish is more than two hundred fifty dollars at the time of citation;

(c) A gross misdemeanor or felony involving commercial groundfish or coastal pelagic baitfish harvest, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued under this title, if:  
(i) The quantity of unlawfully harvested, possessed, bought, or sold groundfish or coastal pelagic baitfish totals greater than ten percent, by weight, of the harvest available for inspection at the time of citation and has a cumulative value greater than five hundred dollars; or (ii) the quantity, by weight, of the unlawfully commercially harvested groundfish or coastal pelagic baitfish is ten percent greater than the landing allowances provided under rules adopted by the department for species categorized as over-fished by the national marine fisheries service;  
or

(d) A gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals greater than six percent of the harvest available for inspection at the time of citation; and (ii) totals fifty or more individual shellfish.

(3)(a) The director may refer a person convicted of one qualifying commercial fishing violation to the license suspension review committee if the director feels that the qualifying commercial fishing violation was of a severe enough magnitude to justify suspension of the individual's license renewal privileges.

(b) The director may refer any person convicted of one egregious shellfish violation to the license suspension review committee.

(c) For the purposes of this section only, "egregious shellfish violation" means a gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals more than twenty percent of the harvest available for inspection at the time of citation; (ii) totals five hundred or more individual shellfish; and (iii) is valued at two thousand five hundred dollars or more.

(4) A person who has a commercial fishing license suspended or revoked under this section may file an appeal with the license suspension review committee pursuant to section 4 of this act. An appeal must be filed within thirty-one days of notice of license suspension or revocation. If an appeal is filed, the suspension or revocation issued by the department does not take effect until after the license suspension review committee has delivered an opinion. If no appeal is filed within thirty-one days of notice of license suspension or revocation, the right to an appeal is considered waived. All suspensions ordered under this section take effect either thirty- one

days following the conviction for the second qualifying commercial fishing violation, or upon a decision pursuant to section 4 of this act, whichever is later.

(5) A fishing privilege suspended under this section is in addition to the statutory penalties assigned to the underlying crime.

(6) For the purposes of this section only, the burden is on the state to show the dollar amount or the percent of a harvest that is comprised of unlawfully harvested, bought, or sold individual fish or shellfish.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.15 RCW to read as follows:

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to section 3 of this act.

(2)(a) The license suspension review committee is composed of five voting members and up to four alternates.

(b) Two of the members must be appointed by the director and may be department employees.

(c) Three members, and up to four alternates, must be peer-group members, who are individuals owning a commercial fishing license issued by the department. If a peer-group member appears before the license suspension review committee because of a qualifying commercial fishing violation, the member must recuse himself or herself from the proceedings relating to that violation. No two voting peer-group members may reside in the same county. All peer-group members must be appointed by the commission, who may accept recommendations from professional organizations that represent commercial fishing interests or from the legislative authority of any Washington county.

(d) All license suspension review committee members serve a two- year renewable term.

(e) The commission may develop minimum member standards for service on the license suspension review committee, and standards for terminating a member before the expiration of his or her term.

(3) The license suspension review committee must convene and deliver an opinion on a license renewal suspension within three months of appeal or of referral from the department. The director shall consider the committee's opinion and make a decision and may issue, not issue, or modify the license suspension.

(4) The license suspension review committee shall collect the information and hear the testimony that it feels necessary to deliver an opinion on the proper length, if any, of a suspension of a commercial license. The opinion may be based on extenuating circumstances presented by the individual convicted of the qualifying commercial fishing violation or considerations of the type and magnitude of violations that have been committed by the individual. The maximum length of any suspension may not exceed one year.

(5) All opinions of the license suspension review committee must be by a majority vote of all voting members. Alternate committee members may only vote when one of the voting members is unavailable, has been recused, or has decided not to vote on the case before the committee. Nonvoting alternates may be present and may participate at all license suspension review committee meetings.

(6) Members of the license suspension review committee serve as volunteers, and are not eligible for compensation other than travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(7) Staff of the license suspension review committee must be provided by the department."

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 77.15.700; adding new sections to chapter 77.15 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1057 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1571, with the following amendment

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that there is an urgent need for vigorous enforcement of child support obligations. The legislature further finds that the duty of child support to provide for the needs of dependent children, including their necessary food, clothing, shelter, education, and health care, should not be

avoided because of where an obligor resides. A person owing a duty of child support who chooses to engage in behaviors that result in the person becoming incarcerated should not be able to avoid child support obligations.

The legislature also finds the current system of child support collections due from persons confined in state correctional facilities does not facilitate family preservation nor does it promote the best interests of children. The legislature intends that, particularly in instances of very low payment levels, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child. The legislature does not intend the child support system to be a mechanism for the support of government, but rather to directly assist children in need of support.

**Sec. 2.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; ~~((and))~~

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

~~(c) ((The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.~~

~~(4))~~ The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(d) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(6) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

**Sec. 3.** RCW 72.09.480 and 1999 c 325 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection ~~((6))~~ (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions ~~((in RCW 72.09.111(1)(a)))~~ and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

~~((3))~~ (4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((4))~~ (5) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is



not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((6))~~ (7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation ~~((and))~~, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

On page 1, line 1 of the title, after "payments;" strike the remainder of the title and insert "amending RCW 72.09.111 and 72.09.480; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1571 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1841, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.190 RCW to read as follows:

The legislature finds that investment in effective prevention and early intervention services: (1) Produces immediate and long-term improvements for children and families; and (2) avoids future public costs in education, child welfare, substance abuse, health, and mental health treatment, law enforcement, the courts, and juvenile and adult corrections. The legislature further finds that state agencies receiving funds for prevention and early intervention services should contract for or operate services that have a strong likelihood of achieving expected outcomes.

NEW SECTION. Sec. 2. A new section is added to chapter 70.190 RCW to read as follows:

(1) The family policy council shall, by June 30, 2004, identify and recommend criteria for funding prevention and early intervention services and programs in the department of social and health services, children's administration that are either state-operated or contracted. The criteria must require that funded programs, at a minimum: (a) Define clear, measurable outcomes; (b) identify research that may be applicable; (c) identify anticipated cost benefits; (d) describe broad community involvement, support, and partnerships; and (e) provide data related to program outcomes and cost benefits.

(2) The family policy council shall begin collecting and analyzing the program outcome and cost benefit data July 1, 2005.

(3) For the purposes of this section, "prevention and early intervention services and programs" may include, but not be limited to, the following state-operated or contracted programs or their successors:

- (a) Alternate response system;
- (b) Family reconciliation services;
- (c) Family preservation services;
- (d) Intensive family preservation services;
- (e) Continuum of care;
- (f) Parent trust programs;
- (g) Public health nurse early intervention program; or
- (h) Other prevention and early intervention services and programs.

(4) The department of social and health services, children's administration shall incorporate the recommended funding criteria into contracts and operating procedures beginning January 1, 2005, within existing resources.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.190 RCW to read as follows:

Nothing in this act creates:

- (1) An entitlement to services;
- (2) Judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, or the child or family is not eligible for such services; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against the family policy council, any state agency, or contractor.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.190 RCW to read as follows:

The family policy council shall itself or by contract identify and recommend the criteria described in section 2 of this act.

The family policy council shall: Beginning with its 2005 annual report and each subsequent report, list the prevention and early intervention services to which the funding criteria established in section 2(1) of this act are applied; and beginning with its 2006 annual report and in each subsequent annual report, include the outcome and cost benefit data collected under section 2(2) of this act and provide an analysis of the success and cost benefit program outcomes."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 70.190 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1841 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.04 RCW to read as follows:

When a municipality receives a written protest from a bidder for a public works project which is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted in determining the minimum two-day notice period.

**NEW SECTION. Sec. 2.** A new section is added to chapter 39.04 RCW to read as follows:

A low bidder on a public works project who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

**Sec. 3.** RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;

(b) History of successful completion of a contract of similar type and scope;

(c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;

(d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;

(e) Ability to accurately estimate the subcontract bid package scope of work;

- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package. Intermediate Saturdays, Sundays, and legal holidays are not counted in determining the minimum two-day notice period. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

- (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
- (b) The bid opening is managed by the public body; and
- (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager."

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 39.10.061; and adding new sections to chapter 39.04 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1036, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.230 and 1994 c 262 s 1 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority. Subagents appointed by the director under RCW 46.01.140 have the same authority to mail out registrations and replacement plates to Internet payment option customers as the agents until directed otherwise by legislative authority. The department shall provide separate statements giving notice to Internet payment option customers that: (a) A subagent service fee, as provided in RCW 46.01.140(5)(b), will be collected by a subagent office for providing mail and pick-up services; and (b) a filing fee will be collected on all transactions listed under RCW 46.01.140(4)(a). The statement must include the amount of the fee and be published on the department's Internet web site on the page that lists each department, county auditor, and subagent office, eligible to provide mail or pick-up services for registration renewals and replacement plates. The statements must be published below each office listed.

NEW SECTION. Sec. 2. This act takes effect October 1, 2003.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

In line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 46.01.230; providing contingent effect; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1036 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1036 as amended by the Senate.

Representative Murray spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1036 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1036 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1058, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the educational attainment of children in foster care is significantly lower than that of children not in foster care. The legislature finds that many factors influence educational outcomes for children in foster care, including the disruption of the educational process because of repeatedly changing schools.

The legislature recognizes the importance of educational stability for foster children, and encourages the ongoing efforts of the department of social and health services and the office of the superintendent of public instruction to improve educational attainment of children in foster care. It is the intent of the legislature that efforts continue such as the recruitment of foster homes in school districts with high rates of foster care placements, the development and dissemination of informational materials regarding the challenges faced by children in foster care, and the expansion to other school districts of best practices identified in pilot projects.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

It is the policy of the state of Washington that, whenever practical and in the best interest of the child, children placed into foster care shall remain enrolled in the schools they were attending at the time they entered foster care.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.13 RCW to read as follows:

The administrative regions of the department shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall establish an oversight committee composed of staff from the children's administration of the department, the office of the superintendent of public instruction, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care.

(2) The duties of the oversight committee shall include, but are not limited to:

- (a) Developing strategies for school-based recruitment of foster homes;
- (b) Monitoring the progress of current pilot projects that assist foster children to continue attending the schools they were attending at the time they entered foster care;
- (c) Overseeing the expansion of the number of pilot projects;

(d) Promoting the use of best practices, throughout the state, demonstrated by the pilot projects and other programs relating to maintaining foster children in the schools they were attending at the time they entered foster care; and

(e) Informing the legislature of the status of efforts to maintain foster children in the schools they were attending at the time they entered foster care.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows:

The department shall work with the administrative office of the courts to develop protocols to ensure that educational stability is addressed during the shelter care hearing.

**NEW SECTION. Sec. 6.** A new section is added to chapter 74.13 RCW to read as follows:

The department shall perform the tasks provided in sections 2 through 5 of this act based on available resources."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1058 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1058 as amended by the Senate.

Representative Kagi spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1058 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1058 as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1061, with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

- (1) Apprenticeships are very rigorous and highly structured programs with specific academic and work training requirements;
- (2) There is a misperception that apprenticeships are only for noncollege bound students; and
- (3) The state should expand opportunities for individuals to progress from an apprenticeship to college by creating pathways that build on the apprenticeship experience and permit apprentices to earn an associate degree.

NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:

- (1) An apprenticeship committee may recommend to its community or technical college partner or partners that an associate degree pathway be developed for the committee's program.
- (2) In consultation with the state board for community and technical colleges, the apprenticeship committee and the college or colleges involved with the program shall consider the extent apprentices in the program are likely to pursue an associate degree and the extent a pathway could reduce redundancy of course requirements between the apprenticeship and a degree.
- (3) If the apprenticeship committee and the college or colleges involved with the program determine that a pathway would be beneficial for apprentices and assist them in obtaining an associate degree, the apprenticeship committee may request that a pathway be established as provided in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

- (1) At the request of an apprenticeship committee pursuant to section 2 of this act, the community or technical college or colleges providing apprentice-related and supplemental instruction for an apprenticeship program shall develop an associate degree pathway for the apprentices in that program, if the necessary resources are available.
- (2) In developing a degree program, the community or technical college or colleges shall ensure, to the extent possible, that related and supplemental instruction is credited toward the associate degree and that related and supplemental instruction and other degree requirements are not redundant.
- (3) If multiple community or technical colleges provide related and supplemental instruction for a single apprenticeship committee, the colleges shall work together to the maximum extent possible to create consistent requirements for the pathway.

NEW SECTION. Sec. 4. (1) The state board for community and technical colleges shall convene a work group to examine current laws, administrative rules, and practices regarding related and supplemental instruction for apprentices that is provided by community and technical colleges.

(2) The objectives of the work group shall be to improve coordination of related and supplemental instruction by apprenticeship committees and community and technical colleges and remove or reduce barriers for apprentices to earn associate degrees. The work group shall develop common standards for when it is appropriate to make related and supplemental instruction courses graded rather than ungraded courses and clarify the standards for tuition waivers for related and supplemental instruction courses.

(3) The work group shall include, but not be limited to, representatives from the state board for community and technical colleges, the higher education coordinating board, the state apprenticeship council, the department of labor and industries, local apprenticeship committees, and community and technical colleges.

(4) The work group shall report its findings and recommendations to the legislature, including recommendations for legislative action if necessary, by December 15, 2003."

On page 1, line 2 of the title, after "apprentices;" strike the remainder of the title and insert "adding a new section to chapter 49.04 RCW; adding a new section to chapter 28B.50 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1061 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1061 as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.



## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1061 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1061 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1079, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 2002 c 186 s 2 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

~~((f))~~ (g) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

~~((g))~~ (h) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

~~((h))~~ (i) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((i))~~ (j) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((h))~~ (e) or (i) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

NEW SECTION. Sec. 2. It is the intent of the legislature to ensure that students who receive a diploma from a Washington state high school or receive the equivalent of a diploma in Washington state and who have lived in Washington for at least three years prior to receiving their diploma or its equivalent are eligible for in-state tuition rates when they enroll in a public institution of higher education in Washington state.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.15 RCW to read as follows:  
The provisions of RCW 28B.15.012(2)(e) apply only to families of those who hold or entered the United States with work visas, temporary protected status visas, or green cards, or who have received amnesty from the federal government.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.012; adding a new section to chapter 28B.15 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED HOUSE BILL NO. 1079 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1079 as amended by the Senate.

Representative Kenney spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1079 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Bailey, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Anderson, Armstrong, Benson, Bush, Condotta, Crouse, Hinkle, Kristiansen, Mastin, McDonald, McMahan, Pearson, Pflug, Roach and Schindler - 15.

Excused: Representative Mielke - 1.

ENGROSSED HOUSE BILL NO. 1079 as amended by the Senate, having received the constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1079.

ED ORCUTT, 18<sup>th</sup> District

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1088, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.55.113 and 1998 c 203 s 4 are each amended to read as follows:

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 ~~((or))~~, 46.61.504 ~~((or of RCW))~~, 46.20.342, or ~~((46.20.420))~~ 46.20.345, the vehicle is subject to impoundment, pursuant to applicable local ordinance or state agency rule at the direction of a law enforcement officer. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

- (1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;
- (2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
- (3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
- (4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;
- (5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;
- (6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;
- (7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more;
- (8) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the

director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator."

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.113."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1088 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1088 as amended by the Senate.

Representative Murray spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1088 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dickerson - 1.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1088 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1090, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2002 c 10 s 2 (uncodified) is amended to read as follows:

- (1) There is created the Washington state task force against the trafficking of persons.
- (2) The task force shall consist of the following members:
  - (a) The director of the office of community development, or the director's designee;
  - (b) The secretary of the department of health, or the secretary's designee;

- (c) The secretary of the department of social and health services, or the secretary's designee;
  - (d) The director of the department of labor and industries, or the director's designee;
  - (e) The commissioner of the employment security department, or the commissioner's designee;
  - (f) Nine members, selected by the director of the office of community development, that represent public and private sector organizations that provide assistance to persons who are victims of trafficking.
- (3) The task force shall be chaired by the director of the office of community development, or the director's designee.
- (4) The task force shall carry out the following activities:
- (a) Measure and evaluate the progress of the state in trafficking prevention activities;
  - (b) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, and victim's compensation; and
  - (c) Make recommendations on methods to provide a coordinated system of support and assistance to persons who are victims of trafficking.
- (5) The task force shall report its supplemental findings and recommendations to the governor and legislature by ~~((November 30, 2002))~~ June 30, 2004.
- (6) The office of community development shall provide necessary administrative and clerical support to the task force, within available resources.
- (7) The members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, within available resources.
- (8) The task force expires ~~((March 1, 2003))~~ June 30, 2004.

**NEW SECTION. Sec. 2.** Section 1 of this act is added to chapter 7.68 RCW.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending 2002 c 10 s 2 (uncodified); adding a new section to chapter 7.68 RCW; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED HOUSE BILL NO. 1090 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1090 as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1090 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloschia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED HOUSE BILL NO. 1090 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1095, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that chapter 4, Laws of 1999 sp. sess. strongly encouraged the forest practices board to adopt administrative rules that were substantially similar to the recommendations presented to the legislature in the form of the forests and fish report. The rules adopted pursuant to the 1999 legislation require all forest landowners to complete a road maintenance and abandonment plan, and those rules cannot be changed by the forest practices board without either a final order from a court, direct instructions from the legislature, or a recommendation from the adaptive management process. In the time since the enactment of chapter 4, Laws of 1999 sp. sess., it has become clear that both the planning aspect and the implementation aspect of the road maintenance and abandonment plan requirement may cause an unforeseen and unintended disproportionate financial hardship on small forest landowners.

(2) The legislature further finds that the commissioner of public lands and the governor have explored solutions that minimize the hardship caused to small forest landowners by the forest road maintenance and abandonment requirements of the forests and fish law, while maintaining protection for public resources. This act represents recommendations stemming from that process.

(3) The legislature further finds that it is in the state's interest to help small forest landowners comply with the requirements of the forest practices rules in a way that does not require the landowner to spend unreasonably high and unpredictable amounts of money to complete road maintenance and abandonment plan preparation and implementation. Small forest landowners provide significant wildlife habitat and serve as important buffers between urban development and Washington's public forest land holdings.

**NEW SECTION. Sec. 2.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The state may not require a small forest landowner to invest in upgrades, replacements, or other engineering of a forest road, and any fish passage barriers that are a part of the road, that do not threaten public resources or create a barrier to the passage of fish.

(2) Participation in the forests and fish agreement provides a benefit to both the landowner in terms of federal assurances, and the public in terms of aquatic habitat preservation and water quality enhancement; therefore, if conditions do threaten public resources or create a fish passage barrier, the road maintenance and abandonment planning process may not require a small forest landowner to take a positive action that will result in high cost without a significant portion of that cost being shared by the public.

(3) Some fish passage barriers are more of a threat to public resources than others; therefore, no small forest landowner should be required to repair a fish passage barrier until higher priority fish passage barriers on other lands in the watershed have been repaired.

(4) If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) The preparation of a road maintenance and abandonment plan can require technical expertise that may require large expenditures before the time that the landowner plans to conduct any revenue-generating operations on his or her land; therefore, small forest landowners should be allowed to complete a simplified road maintenance and abandonment plan checklist, that does not require professional engineering or forestry expertise to complete, and that does not need to be submitted until the time that the landowner submits a forest practices application or notification for final or intermediate harvesting, or for salvage of trees. This act is intended to provide an alternate way for small forest landowners to comply with the road maintenance and abandonment plan goals identified in the forest practices rules.

**Sec. 3.** RCW 76.09.020 and 2002 c 17 s 1 are each amended to read as follows:

~~((For purposes of this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

~~((9))~~ (10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner ~~((: PROVIDED, That))~~. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

~~((10))~~ (11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

~~((11))~~ (12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

~~((12))~~ (13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((13))~~ (15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

~~((14))~~ (16) "Application" means the application required pursuant to RCW 76.09.050.

~~((15))~~ (17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

~~((16))~~ (18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

~~((17))~~ (19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

~~((18))~~ (20) "Small forest landowner" has the same meaning as defined in section 11 of this act.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((19))~~ (22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

~~((20))~~ (23) "Board" means the forest practices board created in RCW 76.09.030.

~~((21))~~ (24) "Unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

~~((22))~~ (25) "Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The board must amend the forest practices rules relating to road maintenance and abandonment plans that exist on the effective date of this section to reflect the following:

(a) A forest landowner who owns a total of eighty acres or less of forest land in Washington is not required to submit a road maintenance and abandonment plan for any block of forest land that is twenty contiguous acres or less in area;

(b) A landowner who satisfies the definition of a small forest landowner, but who does not qualify under (a) of this subsection, is only required to submit a checklist road maintenance and abandonment plan with the abbreviated content requirements provided for in subsection (3) of this section, and is not required to comply with annual reporting and review requirements; and

(c) Existing forest roads must be maintained only to the extent necessary to prevent damage to public resources.

(2) The department must provide a landowner who is either exempted from submitting a road maintenance and abandonment plan under subsection (1)(a) of this section, or who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section, with an educational brochure outlining road maintenance standards and requirements. In addition, the department must develop a series of nonmandatory educational workshops on the rules associated with road construction and maintenance.

(3)(a) A landowner who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section is only required to submit a checklist, designed by the department in consultation with the small forest landowner office advisory committee created in RCW 76.13.110, that confirms that the landowner is applying the checklist criteria to forest roads covered or affected by a forest practices application or notification. When developing the checklist road maintenance and abandonment plan, the department shall ensure that the checklist does not exceed current state law. Nothing in this subsection increases or adds to small forest landowners' duties or responsibilities under any other section of the forest practices rules or any other state law or rule.

(b) A landowner who qualifies for the checklist road maintenance and abandonment plan is not required to submit the checklist before the time that he or she submits a forest practices application or notification for final or intermediate harvesting, or for salvage of trees. The department may encourage and accept checklists prior to the time that they are due.

(4) The department must monitor the extent of the checklist road maintenance and abandonment plan approach and report its findings to the appropriate committees of the legislature by December 31, 2008, and December 31, 2013.

(5) The board shall adopt emergency rules under RCW 34.05.090 by October 31, 2003, to implement this section. The emergency rules shall remain in effect until permanent rules can be adopted. The forest practices rules that relate to road maintenance and abandonment plans shall remain in effect as they existed on the effective date of this section until emergency rules have been adopted under this section.

(6) This section is only intended to relate to the board's duties as they relate to the road maintenance and abandonment plan element of the forests and fish report. Nothing in this section alters any forest landowner's duties and responsibilities under any other section of the forest practices rules, or any other state law or rule.

**Sec. 5.** RCW 76.09.055 and 2000 c 11 s 4 are each amended to read as follows:

(1) The legislature finds that the ~~((declines))~~ levels of fish stocks throughout much of the state require immediate action to be taken to help ~~((restore))~~ these fish runs where possible. The legislature also recognizes that federal and state agencies, tribes, county representatives, and private timberland owners have spent



considerable effort and time to develop the forests and fish report. Given the agreement of the parties, the legislature believes that the immediate adoption of emergency rules is appropriate in this particular instance. These rules can implement many provisions of the forests and fish report to protect the economic well-being of the state, and to minimize the risk to the state and landowners to legal challenges. This authority is not designed to set any precedents for the forest practices board in future rule making or set any precedents for other rule-making bodies of the state.

(2) The forest practices board is authorized to adopt emergency rules amending the forest practices rules with respect to the protection of aquatic resources, in accordance with RCW 34.05.350, except: (a)(i) That the rules adopted under this section may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner; (ii) that the rules adopted under section 4(5) of this act must remain in effect until permanent rules are adopted; (b) notice of the proposed rules must be published in the Washington State Register as provided in RCW 34.05.320; (c) at least one public hearing must be conducted with an opportunity to provide oral and written comments; and (d) a rule-making file must be maintained as required by RCW 34.05.370. In adopting ~~(the)~~ emergency rules consistent with this section, the board is not required to prepare a small business economic impact statement under chapter 19.85 RCW, prepare a statement indicating whether the rules constitute a significant legislative rule under RCW 34.05.328, prepare a significant legislative rule analysis under RCW 34.05.328, or follow the procedural requirements of the state environmental policy act, chapter 43.21C RCW. Except as provided in section 4 of this act, the forest practices board may only adopt recommendations contained in the forests and fish report as emergency rules under this section.

**Sec. 6.** RCW 76.09.390 and 1999 sp.s. c 4 s 707 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the forest practices rules adopted under RCW 76.09.370, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forest land obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forest land obligation, the seller shall pay the buyer's costs related to such continuing forest land obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forest land obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale.

(2) Subsection (1) of this section does not apply to checklist road maintenance and abandonment plans created by section 4 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that a state-led cost-sharing program is necessary to assist small forest landowners with removing and replacing fish passage barriers that were added to their land prior to the effective date of this section, to help achieve the goals of the forests and fish report, and to assist small forest landowners in complying with the state's fish passage requirements.

(2) The small forest landowner office must, in cooperation with the department of fish and wildlife, establish a program designed to assist small forest landowners with repairing or removing fish passage barriers and assist lead entities in acquiring the data necessary to fill any gaps in fish passage barrier information. The small forest landowner office and the department of fish and wildlife must work closely with lead entities or other local watershed groups to make maximum use of current information regarding the location and priority of current fish passage barriers. Where additional fish passage barrier inventories are necessary, funding will be sought for the collection of this information. Methods, protocols, and formulas for data gathering and prioritizing must be developed in consultation with the department of fish and wildlife. The department of fish and wildlife must assist in the training and management of fish passage barrier location data collection.

(3) The small forest landowner office must actively seek out funding for the program authorized in this section. The small forest landowner office must work with consenting landowners to identify and secure funding from local, state, federal, tribal, or nonprofit habitat restoration organizations and other private sources, including the salmon recovery funding board, the United States department of agriculture, the United States department of transportation, the Washington state department of transportation, the United States department of commerce, and the federal highway administration.

(4)(a) Except as otherwise provided in this subsection, the small forest landowner office, in implementing the program established in this section, must provide the highest proportion of public funding available for the removal or replacement of any fish passage barrier.

(b) In no case shall a small forest landowner be required to pay more than the lesser of either: (i) Twenty-five percent of any costs associated with the removal or replacement of a particular fish passage barrier; or (ii) five thousand dollars for the removal or replacement of a particular fish passage barrier. No small forest landowner shall be required to pay more than the maximum total annual costs in (c) of this subsection.

(c) The portion of the total cost of removing or replacing fish passage barriers that a small forest landowner must pay in any calendar year shall be determined based on the average annual timber volume harvested from the landowner's lands in this state during the three preceding calendar years, and whether the fish passage barrier is in eastern or western Washington.

(i) In western Washington (west of the Cascade Crest), a small forest landowner who has harvested an average annual timber volume of less than five hundred thousand board feet shall not be required to pay more than a total of eight thousand dollars during that calendar year, a small forest landowner who has harvested an annual average timber volume between five hundred thousand and nine hundred ninety-nine thousand board feet shall not be required to pay more than a total of sixteen thousand dollars during that calendar year, a small forest landowner who has harvested an average annual timber volume between one million and one million four hundred ninety-nine thousand board feet shall not be required to pay more than a total of twenty-four thousand dollars during that calendar year, and a small forest landowner who has harvested an average annual timber volume greater than or equal to one million five hundred thousand board feet shall not be required to pay more than a total of thirty-two thousand dollars during that calendar year, regardless of the number of fish passage barriers removed or replaced on the landowner's lands during that calendar year.

(ii) In eastern Washington (east of the Cascade Crest), a small forest landowner who has harvested an average annual timber volume of less than five hundred thousand board feet shall not be required to pay more than a total of two thousand dollars during that calendar year, a small forest landowner who has harvested an annual average timber volume between five hundred thousand and nine hundred ninety-nine thousand board feet shall not be required to pay more than a total of four thousand dollars during that calendar year, a small forest landowner who has harvested an average annual timber volume between one million and one million four hundred ninety-nine thousand board feet shall not be required to pay more than a total of twelve thousand dollars during that calendar year, and a small forest landowner who has harvested an average annual timber volume greater than or equal to one million five hundred thousand board feet shall not be required to pay more than a total of sixteen thousand dollars during that calendar year, regardless of the number of fish passage barriers removed or replaced on the landowner's lands during that calendar year.

(iii) Maximum total annual costs for small forest landowners with fish passage barriers in both western and eastern Washington shall be those specified under (c)(i) and (ii) of this subsection.

(d) If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) If a small forest landowner is required to contribute a portion of the funding under the cost-share program established in this section, that landowner may satisfy his or her required proportion by providing either direct monetary contributions or in-kind services to the project. In-kind services may include labor, equipment, materials, and other landowner-provided services determined by the department to have an appropriate value to the removal of a particular fish passage barrier.

(6)(a) The department, using fish passage barrier assessments and ranked inventory information provided by the department of fish and wildlife and the appropriate lead entity as delineated in section 10 of this act, must establish a prioritized list for the funding of fish passage barrier removals on property owned by small forest landowners that ensures that funding is provided first to the known fish passage barriers existing on forest land owned by small forest landowners that cause the greatest harm to public resources.

(b) As the department collects information about the presence of fish passage barriers from submitted checklists, it must share this information with the department of fish and wildlife and the technical advisory groups established in RCW 77.85.070. If the addition of the information collected in the checklists or any other changes to the scientific instruments described in section 10 of this act alter the analysis conducted under section 10 of this act, the department must alter the funding order appropriately to reflect the new information.

(7) The department may accept commitments from small forest landowners that they will participate in the program to remove fish passage barriers from their land at any time, regardless of the funding order given to the fish passage barriers on a particular landowner's property.

**NEW SECTION. Sec. 8.** A new section is added to chapter 76.09 RCW to read as follows:  
Section 7 of this act applies to road maintenance and abandonment plans under this chapter.

**NEW SECTION. Sec. 9.** A new section is added to chapter 76.09 RCW to read as follows:  
The department shall not disapprove a forest practices application filed by a small forest landowner on the basis that fish passage barriers have not been removed or replaced if the small forest landowner filing the application has committed to participate in the program established in section 7 of this act for all fish passage barriers existing on the block of forest land covered by the forest practices application, and the fish passage barriers existing on the block of forest land covered by the forest practices application are lower on the funding order list established for the program than the current projects that are capable of being funded by the program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 77.12 RCW to read as follows:

In coordination with the department of natural resources and lead entity groups, the department must establish a ranked inventory of fish passage barriers on land owned by small forest landowners based on the principle of fixing the worst first within a watershed consistent with the fish passage priorities of the forest and fish report. The department shall first gather and synthesize all available existing information about the locations and impacts of fish passage barriers in Washington. This information must include, but not be limited to, the most recently available limiting factors analysis conducted pursuant to RCW 77.85.060(2), the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available. The inventory of fish passage barriers must be kept current and at a minimum be updated by the beginning of each calendar year. Nothing in this section grants the department or others additional right of entry onto private property.

**NEW SECTION. Sec. 11.** A new section is added to chapter 76.09 RCW to read as follows:

For the purposes of this chapter and sections 7 and 10 of this act, "small forest landowner" means an owner of forest land who, at the time of submission of required documentation to the department, has harvested from his or her own lands in this state no more than an average timber volume of two million board feet per year during the three years prior to submitting documentation to the department and who certifies that he or she does not expect to harvest from his or her own lands in the state more than an average timber volume of two million board feet per year during the ten years following the submission of documentation to the department. However, any landowner who exceeded the two million board feet annual average timber harvest threshold from their land in the three years prior to submitting documentation to the department, or who expects to exceed the threshold during any of the following ten years, shall still be deemed a "small forest landowner" if he or she establishes to the department's reasonable satisfaction that the harvest limits were, or will be, exceeded in order to raise funds to pay estate taxes or for an equally compelling and unexpected obligation, such as for a court-ordered judgment or for extraordinary medical expenses.

**NEW SECTION. Sec. 12.** The existing policy committees of the senate and house of representatives that deal with natural resources issues must review and study the implementation of this act, including checklist preparation and the meaning of both defined and undefined words in chapters 76.09 and 76.13 RCW, and report to the legislature by January 2004.

**NEW SECTION. Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "rules;" strike the remainder of the title and insert "amending RCW 76.09.020, 76.09.055, and 76.09.390; adding new sections to chapter 76.09 RCW; adding a new section to chapter 76.13 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1095 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1095 as amended by the Senate.

Representative Rockefeller spoke in favor of the passage of the bill.

### **MOTION**

On motion of Representative Clements, Representative Campbell was excused.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1095 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Mielke - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1095 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1102, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.12.370 and 2002 c 188 s 1 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit ~~((groups incorporated in this state that are organized for environmental conservation purposes))~~ nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2) Tribal governments shall only be eligible to participate in an exchange agreement if they:

(a) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

(b) Agree that the property shall not be placed into trust status.

(3) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site."

On page 1, line 2 of the title, after "sites;" strike the remainder of the title and insert "and amending RCW 47.12.370."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1102 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1102 as amended by the Senate.

Representative Murray spoke in favor of the passage of the bill.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1102 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Mielke - 2.

HOUSE BILL NO. 1102 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1114, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.440 and 1997 c 80 s 2 are each amended to read as follows:

(1) Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

(2) A county or incorporated city or town may create a school or playground speed zone on a highway bordering a marked school or playground, in which zone it is unlawful for a person to operate a vehicle at a speed in excess of twenty miles per hour. The school or playground speed zone may extend three hundred feet from the border of the school or playground property; however, the speed zone may only include area consistent with active school or playground use.

(3) A person found to have committed any infraction relating to speed restrictions within a school or playground speed zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

~~((3))~~ (4) The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection ~~((2))~~ (3) of this section shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety commission solely to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation."

In line 1 of the title, after "zones;" strike the remainder of the title and insert "and amending RCW 46.61.440."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1114 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1114 as amended by the Senate.

Representative Hinkle spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1114 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Mielke - 2.

HOUSE BILL NO. 1114 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1127, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.08.010 and 2002 c 281 s 2 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.
- (6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

**Sec. 2.** RCW 77.65.510 and 2002 c 301 s 2 are each amended to read as follows:

(1) The department must establish and administer a direct retail endorsement to serve as a single license that permits the holder of a Washington (~~salmon or crab commercial fishing~~) license to commercially harvest retail-eligible species and to clean, dress, and sell his or her catch directly to consumers at retail, including over the internet. The direct retail endorsement must be issued as an optional addition to all holders of a (~~salmon or crab~~) commercial fishing license for retail-eligible species that the department offers under this chapter.

(2) The direct retail endorsement must be offered at the time of application for the qualifying commercial fishing license. Individuals in possession of a qualifying commercial fishing license issued under this chapter may add a direct retail endorsement to their current license at (~~the~~) any time (~~they renew their commercial fishing license~~). Individuals who do not have a commercial fishing license for (~~salmon or crab~~) retail-eligible species issued under this chapter may not receive a direct retail endorsement. The costs, conditions, responsibilities, and privileges associated with the endorsed commercial fishing license is not affected or altered



in any way by the addition of a direct retail endorsement. These costs include the base cost of the license and any revenue and excise taxes.

(3) An individual need only add one direct retail endorsement to his or her license portfolio. If a direct retail endorsement is selected by an individual holding more than one commercial fishing license issued under this chapter, a single direct retail endorsement is considered to be added to all qualifying commercial fishing licenses held by that individual, and is the only license required for the individual to sell at retail (~~the harvest of salmon or crab~~) any retail-eligible species permitted by all of the underlying endorsed licenses. The direct retail endorsement applies only to the person named on the endorsed license, and may not be used by an alternate operator named on the endorsed license.

(4) In addition to any fees charged for the endorsed licenses and harvest documentation as required by this chapter or the rules of the department, the department may set a reasonable annual fee not to exceed the administrative costs to the department for a direct retail endorsement.

(5) The holder of a direct retail endorsement is responsible for documenting the commercial harvest of salmon and crab according to the provisions of this chapter, the rules of the department for a wholesale fish dealer, and the reporting requirements of the endorsed license. Any (~~salmon or crab~~) retail-eligible species caught by the holder of a direct retail endorsement must be (~~landed in the round and~~) documented on fish tickets (~~as provided for by the department, before further processing~~).

(6) The direct retail endorsement must be displayed in a readily visible manner by the seller wherever and whenever a sale to someone other than a licensed wholesale dealer occurs. The commission may require that the holder of a direct retail endorsement notify the department up to eighteen hours before conducting an in-person sale of retail-eligible species, except for in-person sales that have a cumulative retail sales value of less than one hundred fifty dollars in a twenty-four hour period that are sold directly from the vessel. For sales occurring in a venue other than in person, such as over the internet, through a catalog, or on the phone, the direct retail endorsement number of the seller must be provided to the buyer both at the time of sale and the time of delivery. All internet sales must be conducted in accordance with federal laws and regulations.

(7) The direct retail endorsement is to be held by a natural person and is not transferrable or assignable. If the endorsed license is transferred, the direct retail endorsement immediately becomes void, and the transferor is not eligible for a full or prorated reimbursement of the annual fee paid for the direct retail endorsement. Upon becoming void, the holder of a direct retail endorsement must surrender the physical endorsement to the department.

(8) The holder of a direct retail endorsement must abide by the provisions of Title 69 RCW as they apply to the processing and retail sale of seafood. The department must distribute a pamphlet, provided by the department of agriculture, with the direct retail endorsement generally describing the labeling requirements set forth in chapter 69.04 RCW as they apply to seafood.

(9) The holder of a qualifying commercial fishing license issued under this chapter must either possess a direct retail endorsement or a wholesale dealer license provided for in RCW 77.65.280 in order to lawfully sell their catch or harvest in the state to anyone other than a licensed wholesale dealer.

(10) The direct retail endorsement entitles the holder to sell (~~wild-caught salmon or crab~~) a retail-eligible species only at a temporary food service establishment as that term is defined in RCW 69.06.045, or directly to a restaurant or other similar food service business.

**Sec. 3.** RCW 77.65.515 and 2002 c 301 s 3 are each amended to read as follows:

(1) Prior to being issued a direct retail endorsement, an individual must:

(a) Obtain and submit to the department a signed letter on appropriate letterhead from the health department of the county in which the individual makes his or her official residence or where the hailing port for any documented vessel owned by the individual is located as to the fulfillment of all requirements related to county health rules, including the payment of all required fees. The local health department generating the letter may charge a reasonable fee for any necessary inspections. The letter must certify that the methods used by the individual to transport, store, and display any fresh (~~salmon and crabs~~) retail-eligible species meets that county's standards and the statewide standards adopted by the board of health for food service operations; and

(b) Submit proof to the department that the individual making the direct retail sales is in possession of a valid food and beverage service worker's permit, as provided for in chapter 69.06 RCW.

(2) The requirements of subsection (1) of this section must be completed each license year before a renewal direct retail endorsement can be issued.

(3) Any individual possessing a direct retail endorsement must notify the local health department of the county in which retail sales are to occur, except for the county that conducted the initial inspection, forty-eight hours before any transaction and make his or her facilities available for inspection by a fish and wildlife officer, the local health department of any county in which he or she sells (~~salmon or crab~~) any legally harvested retail-eligible species, and any designee of the department of health or the department of agriculture.

(4) Neither the department or a local health department may be held liable in any judicial proceeding alleging that consumption of or exposure to seafood sold by the holder of a direct retail endorsement resulted in a negative health consequence, as long as the department can show that the individual holding the direct retail endorsement complied with the requirements of subsection (1) of this section prior to being issued his or her

direct retail license, and neither the department nor a local health department acted in a reckless manner. For the purposes of this subsection, the department or a local health district shall not be deemed to be acting recklessly for not conducting a permissive inspection.

**Sec. 4.** RCW 77.65.520 and 2002 c 301 s 4 are each amended to read as follows:

(1) The direct retail endorsement is conditioned upon compliance:

(a) With the requirements of this chapter as they apply to wholesale fish dealers and to the rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of ~~((salmon or crabs))~~ retail eligible species; and

(b) With the state board of health and local rules for food service establishments.

(2) Violations of the requirements and rules referenced in subsection (1) of this section may result in the suspension of the direct retail endorsement. The suspended individual must not be reimbursed for any portion of the suspended endorsement. Suspension of the direct retail endorsement may not occur unless and until:

(a) The director has notified by order the holder of the direct retail endorsement when a violation of subsection (1) of this section has occurred. The notification must specify the type of violation, the liability to be imposed for damages caused by the violation, a notice that the amount of liability is due and payable by the holder of the direct retail endorsement, and an explanation of the options available to satisfy the liability; and

(b) The holder of the direct retail endorsement has had at least ninety days after the notification provided in (a) of this subsection was received to either make full payment for all liabilities owed or enter into an agreement with the department to pay off all liabilities within a reasonable time.

(3)(a) If, within ninety days after receipt of the order provided in subsection (2)(a) of this section, the amount specified in the order is not paid or the holder of the direct retail endorsement has not entered into an agreement with the department to pay off all liabilities, the prosecuting attorney for any county in which the persons to whom the order is directed do business, or the attorney general upon request of the department, may bring an action on behalf of the state in the superior court for Thurston county, or any county in which the persons to whom the order is directed do business, to seek suspension of the individual's direct retail endorsement for up to five years.

(b) The department may temporarily suspend the privileges provided by the direct retail endorsement for up to one hundred twenty days following the receipt of the order provided in subsection (2)(a) of this section, unless the holder of the direct retail endorsement has deposited with the department an acceptable performance bond on forms prescribed and provided by the department. This performance bond must be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond must be filed and maintained in an amount equal to one thousand dollars.

(4) For violations of state board of health and local rules under subsection (1)(b) of this section only, any person inspecting the facilities of a direct retail endorsement holder under RCW 77.65.515 may suspend the privileges granted by the endorsement for up to seven days. Within twenty-four hours of the discovery of the violation, the inspecting entity must notify the department of the violation. Upon notification, the department may proceed with the procedures outlined in this section for suspension of the endorsement. If the violation of a state board of health rule is discovered by a local health department, that local jurisdiction may fine the holder of the direct retail endorsement according to the local jurisdiction's rules as they apply to retail food operations.

(5) Subsections (2) and (3) of this section do not apply to a holder of a direct retail endorsement that executes a surety bond and abides by the conditions established in RCW 77.65.320 and 77.65.330 as they apply to wholesale dealers.

**Sec. 5.** RCW 36.71.090 and 2002 c 301 s 9 are each amended to read as follows:

(1) It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as ~~((herein))~~ defined ~~((= PROVIDED, That))~~ in this section. However, nothing ~~((herein))~~ in this section authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town.

(2) It is lawful for an individual in possession of a valid direct retail endorsement, as established in RCW 77.65.510, to sell, deliver, or peddle ~~((wild-caught salmon or crab))~~ any legally harvested retail- eligible species, as that term is defined in RCW 77.08.010, that is caught, harvested, or collected under rule of the department of fish and wildlife by such a person at a temporary food service establishment, as that term is defined in RCW 69.06.045, and no city, town, or county may pass or enforce an ordinance prohibiting the sale by or requiring additional licenses or permits from the holder of the valid direct retail endorsement. However, this subsection does not prohibit a city, town, or county from inspecting an individual displaying a direct retail endorsement to verify that the person is in compliance with state board of health and local rules for food service operations.

**Sec. 6.** RCW 82.27.020 and 2001 c 320 s 9 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner after the enhanced food fish has been landed. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax (~~is the value of the~~) for all enhanced food fish, including retail-eligible fish sold with a direct retail endorsement pursuant to RCW 77.65.510, is the comparable sales price for similar species of fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five and twenty-five one-hundredths percent;

(b) Pink and sockeye salmon: Three and fifteen one-hundredths percent;

(c) Other food fish and shellfish, except oysters, sea urchins, and sea cucumbers: Two and one-tenth percent;

(d) Oysters: Eight one-hundredths of one percent;

(e) Sea urchins: Four and six-tenths percent through December 31, 2005, and two and one-tenth percent thereafter; and

(f) Sea cucumbers: Four and six-tenths percent through December 31, 2005, and two and one-tenth percent thereafter.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section."

On page 1, line 1 of the title, after "fish;" strike the remainder of the title and insert "and amending RCW 77.08.010, 77.65.510, 77.65.515, 77.65.520, 36.71.090, and 82.27.020."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1127 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1127 as amended by the Senate.

Representative Cooper spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1127 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Mielke - 2.

SUBSTITUTE HOUSE BILL NO. 1127 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1128, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Insured" means a current policyholder or a person or entity that is covered under the insurance policy.

(b) "Malicious harassment" has the same meaning as RCW 9A.36.080. Under this section, the perpetrator does not have to be identified for an act of malicious harassment to have occurred.

(c) "Underwriting action" means an insurer:

(i) Cancels or refuses to renew an insurance policy; or

(ii) Changes the terms or benefits in an insurance policy.

(2) This section applies to property insurance policies if the insured is:

(a) An individual;

(b) A religious organization;

(c) An educational organization; or

(d) Any other nonprofit organization that is organized and operated for religious, charitable, or educational purposes.

(3) An insurer may not take an underwriting action on a policy described in subsection (2) of this section because an insured has made one or more insurance claims for any loss that occurred during the preceding sixty months that is the result of malicious harassment. An insurer may take an underwriting action due to other factors that are not prohibited by this subsection.

(4) If an insured sustains a loss that is the result of malicious harassment, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and a law enforcement authority must determine that a crime has occurred. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of malicious harassment. The insured has a duty to cooperate with any law enforcement official or insurer investigation. For incidents of malicious harassment occurring prior to the effective date of this act, the insured must file the report within six months of the discovery of the incident.

(5) Annually, each insurer must report underwriting actions to the commissioner if the insurer has taken an underwriting action against any insured who has filed a claim during the preceding sixty months that was the result of malicious harassment. The report must include the policy number, name of the insured, location of the property, and the reason for the underwriting action."

On page 1, line 2 of the title, after "harassment;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1128 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1128 as amended by the Senate.

Representative Schual-Berke spoke in favor of the passage of the bill.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1128 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1128 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1144, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the department of fish and wildlife is responsible for the proper management of the state's diverse wildlife resources. Wildlife management often requires the department of fish and wildlife to immobilize individual animals in order for the animals to be moved, treated, examined, or for other legitimate purposes. The legislature finds that it is often necessary for the department to use certain controlled substances to accomplish these purposes. Therefore, the legislature finds that the department of fish and wildlife, in coordination with the board of pharmacy, must be enabled to use approved controlled substances in order to accomplish its legitimate wildlife management goals.

**NEW SECTION. Sec. 2.** A new section is added to chapter 69.50 RCW to read as follows:  
The department of fish and wildlife may apply to the department of health for registration pursuant to the applicable provisions of this chapter to purchase, possess, and administer controlled substances for use in chemical capture programs. The department of fish and wildlife must not permit a person to administer controlled substances unless the person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The department of health may issue a limited registration to carry out the provisions of this section. The board may adopt rules to ensure strict compliance with the provisions of this section. The board, in consultation with the department of fish and wildlife, must by rule add or remove additional controlled substances for use in chemical capture programs. The board shall suspend or revoke registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge as required by this section. This authority is granted in addition to any other power to suspend or revoke registration as provided by law."

On page 1, line 2 of the title, after "wildlife," strike the remainder of the title and insert "adding a new section to chapter 69.50 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1144 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1144 as amended by the Senate.

Representative Haigh spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll call on the final passage House Bill No. 1144 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1144 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1213, with the following amendment:

Strike everything after the enacting clause and insert the following:

#### **"PART 1 HEALTH CARE POLICY TECHNICAL ADVISORY COMMITTEE**

NEW SECTION. **Sec. 101.** RCW 41.05.150 (Health care policy technical advisory committee) and 1988 c 107 s 14 are each repealed.

#### **PART 2 GOVERNOR'S SMALL BUSINESS IMPROVEMENT COUNCIL**

NEW SECTION. **Sec. 201.** The following acts or parts of acts are each repealed:

(1) RCW 43.175.010 (Governor's small business improvement council-- Established--Membership--Travel expenses--Staff support and administrative assistance) and 1987 c 348 s 6, 1985 c 466 s 62, & 1984 c 282 s 7;

(2) RCW 43.175.020 (Duties) and 1998 c 245 s 53, 1987 c 348 s 7, 1985 c 466 s 63, & 1984 c 282 s 8;

and

(3) RCW 43.175.901 (Severability--1984 c 282) and 1984 c 282 s 17.

#### **PART 3 REBUILDING FAMILIES ADVISORY COMMITTEE**

NEW SECTION. **Sec. 301.** By July 1, 2003, the secretary of the department of corrections shall abolish the rebuilding families advisory committee.

#### **PART 4**

## INDEPENDENT LIVING ADVISORY COMMITTEE

**NEW SECTION. Sec. 401.** By July 1, 2003, the director of the department of services for the blind shall abolish the independent living advisory committee.

## PART 5 OCEAN SPOT SHRIMP EMERGING FISHERY ADVISORY BOARD

**NEW SECTION. Sec. 501.** By July 1, 2003, the director of the department of fish and wildlife shall abolish the ocean spot shrimp emerging fishery advisory board.

## PART 6 WATER TRAIL ADVISORY COMMITTEE

**Sec. 601.** RCW 79A.05.385 and 1993 c 182 s 2 are each amended to read as follows:

In addition to its other powers, duties, and functions, the commission may:

(1) Plan, construct, and maintain suitable facilities for water trail activities on lands administered or acquired by the commission or as authorized on lands administered by tribes or other public agencies or private landowners by agreement.

(2) Provide and issue, upon payment of the proper fee, with the assistance of those authorized agents as may be necessary for the convenience of the public, water trail permits to utilize designated water trail facilities. The commission may(~~(, after consultation with the water trail advisory committee,)~~) adopt rules authorizing reciprocity of water trail permits provided by another state or Canadian province, but only to the extent that a similar exemption or provision for water trail permits is issued by that state or province.

(3) Compile, publish, distribute, and charge a fee for maps or other forms of public information indicating areas and facilities suitable for water trail activities.

(4) Contract with a public agency, private entity, or person for the actual conduct of these duties.

(5) Work with individuals or organizations who wish to volunteer their time to support the water trail recreation program.

**Sec. 602.** RCW 79A.05.400 and 1993 c 182 s 5 are each amended to read as follows:

A person may not participate as a user of the water trail recreation program without first obtaining a water trail permit. A person must renew this permit on an annual basis in order to continue to participate as a user of the program. The fee for the issuance of the statewide water trail permit for each year shall be determined by the commission (~~(after consultation with the water trail advisory committee)~~). All statewide water trail permits shall expire on the last day of December of the year for which the permit is issued.

**Sec. 603.** RCW 79A.05.410 and 1993 c 182 s 7 are each amended to read as follows:

The commission may(~~(, after consultation with the water trail advisory committee,)~~) adopt rules to administer the water trail program and facilities on areas owned or administered by the commission. Where water trail facilities administered by other public or private entities are incorporated into the water trail system, the rules adopted by those entities shall prevail. The commission is not responsible or liable for enforcement of these alternative rules.

**NEW SECTION. Sec. 604.** RCW 79A.05.420 (Water trail advisory committee) and 2000 c 11 s 41, 1994 c 264 s 21, & 1993 c 182 s 9 are each repealed.

## PART 7 COMMUNITY OUTDOOR ATHLETIC FIELDS ADVISORY COUNCIL

**Sec. 701.** RCW 79A.25.800 and 2000 c 11 s 80 are each amended to read as follows:

(1) The legislature recognizes that coordinated funding efforts are needed to maintain, develop, and improve the state's community outdoor athletic fields. Rapid population growth and increased urbanization have caused a decline in suitable outdoor fields for community athletic activities and has resulted in overcrowding and deterioration of existing surfaces. Lack of adequate community outdoor athletic fields directly affects the health and well-being of all citizens of the state, reduces the state's economic viability, and prevents Washington from maintaining and achieving the quality of life that it deserves. Therefore, it is the policy of the state and its agencies to maintain, develop, fund, and improve youth or community athletic facilities, including but not limited to community outdoor athletic fields.

(2) In carrying out this policy, the legislature intends to promote the building of new community outdoor athletic fields, the upgrading of existing community outdoor athletic fields, and the maintenance of existing

community outdoor athletic fields across the state of Washington. ((The purpose of RCW 79A.25.800 through 79A.25.830 is to create an advisory council to provide information and advice to the interagency committee for outdoor recreation in the distribution of the funds in the youth athletic facility grant account established in RCW 43.99N.060(4).))

**Sec. 702.** RCW 79A.25.820 and 2000 c 11 s 81 are each amended to read as follows:

Subject to available resources, the interagency committee for outdoor recreation((, in consultation with the community outdoor athletic fields advisory council)) may:

(1) Prepare and update a strategic plan for the development, maintenance, and improvement of community outdoor athletic fields in the state. In the preparation of such plan, the interagency committee for outdoor recreation may use available data from federal, state, and local agencies having community outdoor athletic responsibilities, user groups, private sector interests, and the general public. The plan may include, but is not limited to:

- (a) An inventory of current community outdoor athletic fields;
- (b) A forecast of demand for these fields;
- (c) An identification and analysis of actual and potential funding sources; and

(d) Other information the interagency committee for outdoor recreation deems appropriate to carry out the purposes of RCW 79A.25.800 through 79A.25.830;

(2) Determine the eligibility requirements for cities, counties, and qualified nonprofit organizations to access funding from the youth athletic facility ((grant)) account created in RCW 43.99N.060(4);

(3) Encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public entities and nonprofit organizations involved in the maintenance, development, and improvement of community outdoor athletic fields; and

(4) Create and maintain data, studies, research, and other information relating to community outdoor athletic fields in the state, and to encourage the exchange of this information.

**NEW SECTION. Sec. 703.** RCW 79A.25.810 (Community outdoor athletic fields advisory council) and 2001 c 245 s 1 & 1998 c 264 s 2 are each repealed.

## **PART 8 ARTHRITIS ADVISORY GROUP**

**NEW SECTION. Sec. 801.** By July 1, 2003, the secretary of the department of health shall abolish the arthritis advisory group.

## **PART 9 COMMITTEE ON TAXATION AND ADVISORY GROUP TO THE COMMITTEE ON TAXATION**

**NEW SECTION. Sec. 901.** By July 1, 2003, the director of revenue shall abolish the committee on taxation and the advisory group to the committee on taxation created by section 137(1), chapter 371, Laws of 2002.

## **PART 10 MISCELLANEOUS**

**NEW SECTION. Sec. 1001.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 1002.** Sections 701 and 702 of this act expire one year after RCW 82.14.0494 expires.

**NEW SECTION. Sec. 1003.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 79A.05.385, 79A.05.400, 79A.05.410, 79A.25.800, and 79A.25.820; creating new sections; repealing RCW 41.05.150, 43.175.010, 43.175.020, 43.175.901, 79A.05.420, and 79A.25.810; providing an effective date; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.



Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1213 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1213 as amended by the Senate.

Representative Haigh spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1213 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1213 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1289, with the following amendment:

On page 2, after line 24, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "restrictions;" strike "and" and on line 3 of the title, after "77.32.470" insert "; and declaring an emergency"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1289 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1289 as amended by the Senate.

Representative Hinkle spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1289 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1289 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1379, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 46.61 RCW to read as follows:  
State, local, or county law enforcement personnel may enforce speeding violations under RCW 46.61.400 on private roads within a community organized under chapter 64.38 RCW if:  
(1) A majority of the homeowner's association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;  
(2) A written agreement regarding the speeding enforcement is signed by the homeowner's association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;  
(3) The homeowner's association has provided written notice to all of the homeowners describing the new authority to issue speeding infractions; and  
(4) Signs have been posted declaring the speed limit at all vehicle entrances to the community."

In line 2 of the title, after "personnel;" strike the remainder of the title and insert "and adding a new section to chapter 46.61 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1379 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1379 as amended by the Senate.

Representative Ericksen spoke in favor of the passage of the bill.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1379 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Holmquist, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Blake, Dunshee, Flannigan, Hatfield, Hudgins, Hunt, Hunter and Moeller - 8.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1379 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1403, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.839 and 1994 c 234 s 3 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the college board shall set priorities and guidelines for the program.

(2) ~~((Under this section, a college shall not receive more than four faculty grants in twenty five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.~~

~~((3))~~ All community and technical colleges and their foundations shall be eligible for matching trust funds. When they can match the state funds with equal cash donations from private sources, institutions and foundations may apply to the college board for grants from the fund in ~~((twenty five))~~ ten thousand dollar increments up to a maximum ~~((of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college or foundation may receive more than one grant until every college or its foundation has received one grant))~~ set by the college board. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution or foundation in a local endowment fund or a foundation's fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution or foundation.

~~((4))~~ (3) Once sufficient private donations are received by the institution or foundation, the institution shall inform the college board and request state matching funds. The college board shall evaluate the request for state matching funds based on program priorities and guidelines. The college board may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution or a foundation's fund established by a foundation for each faculty award created.

~~((5))~~ (4) A college, by action of its board of trustees, may transfer those exceptional faculty award funds accumulated in its local endowment fund between July 1, 1991, and July 25, 1993, to its foundation's local endowment fund established as provided in subsection ~~((3))~~ (2) of this section.

**Sec. 2.** RCW 28B.50.837 and 2002 c 371 s 902 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation.

No appropriation is necessary for the expenditure of moneys from the fund. (~~During the 2001-2003 fiscal biennium, the legislature may appropriate funds from the college faculty awards trust fund for the purposes of the settlement costs of the *Mader v. State* litigation regarding retirement contributions on behalf of part time faculty.~~) Expenditures from the fund may be used solely for the exceptional faculty awards program."

On page 1, line 1 of the title, after "grants;" strike the remainder of the title and insert "and amending RCW 28B.50.839 and 28B.50.837."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED HOUSE BILL NO. 1403 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1403 as amended by the Senate.

Representative Kenney spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1403 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED HOUSE BILL NO. 1403 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1409, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that the littering of potentially dangerous products poses a greater danger to the public safety than other classes of litter. Broken glass, human waste, and other dangerous materials along roadways, within parking lots, and on pedestrian, bicycle, and recreation trails elevates the risk to public safety, such as vehicle tire punctures, and the risk to the community volunteers who spend their time gathering and properly disposing of the litter left behind by others. As such, the legislature finds that a higher penalty should be imposed on those who improperly dispose of potentially dangerous products, such as is imposed on those who improperly dispose of tobacco products.

(2) The legislature further finds that litter is a nuisance, and, in order to alleviate such a nuisance, counties must be provided statutory authority to declare what shall be a nuisance, to abate a nuisance, and to impose and collect fines upon parties who may create, cause, or commit a nuisance.

**Sec. 2.** RCW 70.93.030 and 2000 c 154 s 1 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this chapter unless the context ~~((indicates))~~ clearly requires otherwise~~((?))~~.

(1) "Conveyance" means a boat, airplane, or vehicle~~((?))~~.

(2) "Department" means the department of ecology~~((?))~~.

(3) "Director" means the director of the department of ecology~~((?))~~.

(4) "Disposable package or container" means all packages or containers defined as such by rules ~~((and regulations))~~ adopted by the department of ecology~~((?))~~.

(5) "Junk vehicle" has the same meaning as defined in RCW 46.55.010~~((?))~~.

(6) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing~~((?))~~. "Litter" includes the material described in subsection (10) of this section as "potentially dangerous litter."

(7) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity~~((?))~~.

(8) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter~~((?))~~.

(9) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever~~((?))~~.

(10) "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:

(a) Cigarettes, cigars, or other tobacco products that are capable of starting a fire;

(b) Glass;

(c) A container or other product made predominantly or entirely of glass;

(d) A hypodermic needle or other medical instrument designed to cut or pierce;

(e) Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and

(f) Nails or tacks.

(11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests~~((?))~~.

~~((11))~~ (12) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration~~((?))~~.

~~((12))~~ (13) "Recycling center" means a central collection point for recyclable materials~~((?))~~.

~~((13))~~ (14) "To litter" means a single or cumulative act of disposing of litter~~((?))~~.

~~((14))~~ (15) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks~~((?))~~.

~~((15))~~ (16) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials~~((?))~~.

~~((16))~~ (17) "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

**Sec. 3.** RCW 70.93.060 and 2002 c 175 s 45 are each amended to read as follows:

(1) It is a violation of this section to abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency

investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(d) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, ~~((a cigarette, cigar, or other tobacco product that is capable of starting a fire))~~ potentially dangerous litter in any amount.

**Sec. 4.** RCW 7.80.120 and 1997 c 159 s 2 are each amended to read as follows:

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving ~~((tobacco products))~~ potentially dangerous litter as specified in RCW 70.93.060(4), in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

**Sec. 5.** RCW 46.61.645 and 1965 ex.s. c 155 s 77 are each amended to read as follows:

(1) ~~((No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.~~

~~(2))~~ Any person who drops, or permits to be dropped or thrown, upon any highway any ~~((destructive or injurious))~~ material shall immediately remove the same or cause it to be removed.

~~((3))~~ (2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

**Sec. 6.** RCW 36.32.120 and 1994 c 301 s 8 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges;

(10) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70.93.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

**NEW SECTION. Sec. 7.** RCW 70.93.100 (Litter bags--Design and distribution by department authorized--Violations--Penalties) and 1981 c 260 s 15 are each repealed."

On page 1, line 1 of the title, after "littering;" strike the remainder of the title and insert "amending RCW 70.93.030, 70.93.060, 7.80.120, 46.61.645, and 36.32.120; creating a new section; repealing RCW 70.93.100; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1409 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1409 as amended by the Senate.

Representative Cooper spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1409 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1409 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1512, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.36.020 and 1996 c 54 s 3 are each amended to read as follows:

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, and to kill the animals when no other practical means of damage control is feasible.

If the department receives recurring complaints regarding property being damaged as described in this section or RCW 77.36.030 from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall ~~((consider conducting))~~ conduct a special hunt or special hunts or take remedial action to reduce the potential for such damage. The commission shall authorize either one or two antlerless permits per hunter for special hunts held in damage areas where qualified department staff, or their designee, have confirmed six incidents of crop damage by deer or elk.

As an alternative to hunting, the department shall work with affected entities to relocate deer and elk when needed to augment existing herds.

**Sec. 2.** RCW 77.12.150 and 1987 c 506 s 24 are each amended to read as follows:

(1) By emergency rule only, and in accordance with criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

(2)(a) If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. ~~((The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process.))~~ The director shall include notice of the special season in the rules establishing open seasons.

(b) When the department receives six complaints concerning damage to commercial agricultural and horticultural crop production by wildlife from the owner or tenant of real property, or from several owners or tenants in a locale, the commission shall conduct a special hunt or special hunts or take remedial action to reduce



the potential for the damage, and shall authorize either one or two permits per hunter. Each complaint must be confirmed by qualified department staff, or their designee.

(c) The director shall determine by random selection the identity of hunters who may hunt within the area of the special hunt and shall determine the conditions and requirements of the selection process. Within this process, the department must maintain a list of all persons holding valid wildlife hunting licenses, arranged by county of residence, who may hunt deer or elk that are causing damage to crops. The department must update the list annually and utilize the list when contacting persons to assist in controlling game damage to crops. The department must make all reasonable efforts to contact individuals residing within the county where the hunting of deer or elk will occur before contacting a person who is not a resident of that county. The department must randomize the names of people on the list in order to provide a fair distribution of the hunting opportunities. Hunters who participate in hunts under this section must report any kills to the department. The department must include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public.

On page 1, line 1 of the title, after "crops;" strike the remainder of the title and insert "and amending RCW 77.36.020 and 77.12.150."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1512 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1512 as amended by the Senate.

Representative Cox spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1512 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1512 as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1561, with the following amendment:

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 43.20B.030 and 1997 c 130 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2)~~((a))~~) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

~~((b) Beginning December 1, 1997, the department shall report by December 1 each year to the commerce and labor committees of the senate and house of representatives, the senate ways and means committee, and the house appropriations committee, or successor committees, the following information:~~

- ~~(i) The cumulative amount of debt due the department;~~
- ~~(ii) The cumulative amount of debt that has been written off by the department as no longer cost effective to pursue;~~
- ~~(iii) The amount of debt due the department that has accrued in each of the previous five fiscal years;~~
- ~~(iv) The amount of debt that has been written off in each of the previous five fiscal years as no longer cost effective to pursue.)~~

**Sec. 2.** RCW 74.13.036 and 1996 c 133 s 37 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

- (a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;
- (b) Procedures for designating department staff responsible for family reconciliation services;
- (c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and
- (d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

- (a) Identify and evaluate resource needs in each region of the state;
- (b) Disseminate information collected as part of the oversight process to affected groups and the general public;
- (c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;
- (d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and
- (e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

~~(4) ((The secretary shall submit a quarterly report to the appropriate local government entities.~~

~~(5))~~) The department shall provide an annual report to the legislature not later than December 1 ~~((, indicating))~~ of each year only when it has declined to accept custody of a child from a law enforcement agency or it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

**Sec. 3.** RCW 74.14C.070 and 1995 c 311 s 11 are each amended to read as follows:

The secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase preservation services and other preventive services for children at imminent risk of out-of-home placement or who face a substantial likelihood of out-of-home placement. This transfer may be made in those regions that lower foster care expenditures through efficient use of preservation services and permanency planning efforts. The transfer shall be equivalent to the amount of reduced foster care expenditures and shall be made in accordance with the provisions of this chapter and with the approval of the office of financial management. The ~~((secretary))~~ department shall present an annual report to the legislature regarding any transfers under this section only if transfers occur. The ~~((secretary))~~ department shall include caseload, expenditure, cost avoidance, identified improvements to the out-of-home care system, and outcome data related to the transfer in the report. The ~~((secretary))~~ department shall also include in the report information regarding:

- (1) The percent of cases where a child is placed in out-of-home care after the provision of intensive family preservation services or family preservation services;
- (2) The average length of time before ~~((such))~~ the child is placed out-of-home;
- (3) The average length of time ~~((such))~~ the child is placed out-of-home; and
- (4) The number of families that refused the offer of either family preservation services or intensive family preservation services.

**Sec. 4.** RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement

agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.))~~

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 5.** RCW 13.40.030 and 1996 c 232 s 5 are each amended to read as follows:

(1) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. ~~((At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The~~

report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary.) The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) The permissible ranges of confinement resulting from a finding of manifest injustice under RCW 13.40.0357 are subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

**Sec. 6.** RCW 70.96A.420 and 2001 c 242 s 3 are each amended to read as follows:

(1) The department, in consultation with opiate substitution treatment service providers and counties and cities, shall establish statewide treatment standards for certified opiate substitution treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with opiate substitution treatment programs and counties, shall establish statewide operating standards for certified opiate substitution treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter.

~~((4) Before January 1st of each year, the secretary shall submit a report to the legislature and governor. The report shall include the number of persons enrolled in each treatment program during the period covered by the report, the number of persons who leave each treatment program voluntarily and involuntarily, and an outcome analysis of each treatment program. For purposes of this subsection, "outcome analysis" shall include but not be limited to: The number of people who, as a result of participation in the program, are able to abstain from opiates; reduction in use of opiates; reduction in criminal conduct; achievement of economic independence; and reduction in utilization of health care. The report shall include information on an annual and cumulative basis beginning on July 22, 2001.))~~

**Sec. 7.** RCW 70.96A.520 and 1997 c 338 s 28 are each amended to read as follows:

The department shall prioritize expenditures for treatment provided under RCW 13.40.165. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter 338, Laws of 1997. The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

~~((The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section.))~~

**Sec. 8.** RCW 74.13.017 and 2001 c 265 s 2 are each amended to read as follows:

The department shall undertake the process of accreditation with the goal of completion by July 2006. ~~((The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001.))~~

**Sec. 9.** RCW 74.14A.050 and 2001 c 255 s 1 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are

likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. All children entering the foster care system must be evaluated for identification of long-term needs within thirty days of placement;

(4) As a result of the passage of chapter 232, Laws of 2000, the department is conducting a pilot project to do a comparative analysis of a variety of assessment instruments to determine the most effective tools and methods for evaluation of children. The pilot project may extend through August 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives by September 30, 2001, on the results of the pilot project. The department shall select an assessment instrument that can be implemented within available resources. The department shall complete statewide implementation by December 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives on how the use of the selected assessment instrument has affected department policies, by no later than December 31, 2002, December 31, 2004, and December 31, 2006;

(5) Use the assessment tool developed pursuant to subsection (4) of this section in making out-of-home placement decisions for children;

~~(6) ((By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:~~

~~(a) The number of children evaluated during the first thirty days of placement as required in subsection (3) of this section;~~

~~(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was validated;~~

~~(c) The findings from the evaluation regarding the children's needs;~~

~~(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs; and~~

~~(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion;~~

(7)) Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate;

~~((8))~~ (7) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care;

~~((9))~~ (8) The department is to accomplish the tasks listed in subsections (4) through ~~((8))~~ (7) of this section within existing resources;

~~((10))~~ (9) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

~~((11))~~ (10) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

~~((12))~~ (11) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

~~((13))~~ (12) Study and develop a statutory proposal for the emancipation of minors.

**Sec. 10.** 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$225,789,000

General Fund--State Appropriation (FY 2003) \$239,013,000

General Fund--Federal Appropriation \$372,408,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--State Appropriation \$987,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$5,702,000

TOTAL APPROPRIATION \$844,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,288,000 of the fiscal year 2003 general fund--state appropriation, and \$1,590,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation and \$536,000 of the general fund--state fiscal year 2003 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance- abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,196,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund-- state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. ~~((The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.))~~

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$7,671,000 of the fiscal year 2003 general fund--state appropriation, and \$20,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001, and to an average of \$440 per month on July 1, 2002. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$2,461,000 of the general fund--state appropriation for fiscal year 2003, and \$1,485,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal year 2003.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

**Sec. 11. 2001 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:  
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL  
DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2002) \$231,693,000  
General Fund--State Appropriation (FY 2003) \$242,347,000  
General Fund--Federal Appropriation \$396,151,000  
Health Services Account--State Appropriation \$741,000  
TOTAL APPROPRIATION \$870,932,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$753,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(c) \$1,440,000 of the general fund--state appropriation for fiscal year 2002, \$3,041,000 of the general fund--state appropriation for fiscal year 2003, and \$4,311,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.



(d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities. The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for increases assumed in additional funding provided in subsections (b) and (c) of this section. ~~((Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.))~~

(e) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

(f) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

(g) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state- funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$71,977,000  
General Fund--State Appropriation (FY 2003) \$69,303,000  
General Fund--Federal Appropriation \$145,641,000  
General Fund--Private/Local Appropriation \$10,230,000  
TOTAL APPROPRIATION \$297,151,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department may make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages as assumed in the appropriations in this subsection.

#### (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$2,601,000  
General Fund--State Appropriation (FY 2003) \$2,623,000  
General Fund--Federal Appropriation \$2,413,000  
TOTAL APPROPRIATION \$7,637,000

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

**Sec. 12.** 2001 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$436,440,000  
General Fund--State Appropriation (FY 2003) \$424,870,000  
General Fund--Federal Appropriation \$1,356,351,000  
General Fund--Private/Local Appropriation \$31,788,000  
TOTAL APPROPRIATION \$2,249,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,081,000 of the general fund--state appropriation for fiscal year 2002, \$278,277,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and \$29,352,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed ~~((and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months)).~~ An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. ~~((The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.))~~

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. ~~((The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.))~~

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$48,341,000 of the general fund--state appropriation for fiscal year 2002 and \$48,341,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and \$5,632,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

**Sec. 13.** RCW 13.40.430 and 1993 c 373 s 2 are each amended to read as follows:

The ~~((department))~~ administrator for the courts shall ~~((within existing funds))~~ collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of section 1, chapter 373, Laws of 1993. ~~((Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of section 1, chapter 373, Laws of 1993.))~~ The administrator for the courts may, in consultation with juvenile courts, determine a format for the collection of such data and a schedule for the reporting of such data and shall keep a minimum of five years of data at any given time.

**NEW SECTION. Sec. 14.** The following acts or parts of acts are each repealed:

- (1) RCW 71.24.820 (Mental health system review--Implementation of status reports) and 2001 c 334 s 3;  
and  
(2) RCW 71.24.830 (Mental health system review--Content of status reports) and 2001 c 334 s 4.

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

- (1) RCW 74.09.310 (Chemical dependency treatment--Provision of birth control services, information, and counseling--Report) and 1998 c 314 s 34;  
(2) RCW 74.09.320 (Chemical dependency treatment--Provision of birth control services, information, and counseling--Report) and 1998 c 314 s 35; and  
(3) RCW 72.23.450 (Annual report to the legislature) and 2000 c 22 s 8."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.20B.030, 74.13.036, 74.14C.070, 13.40.030, 70.96A.420, 70.96A.520, 74.13.017, 74.14A.050, and 13.40.430; amending 2001 2nd sp.s. c 7 s 202 (uncodified); amending 2001 2nd sp.s. c 7 s 205 (uncodified); amending 2001 2nd sp.s. c 7 s 207 (uncodified); reenacting and amending RCW 26.44.030; and repealing RCW 71.24.820, 71.24.830, 74.09.310, 74.09.320, and 72.23.450."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED HOUSE BILL NO. 1561 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1561 as amended by the Senate.

Representative Orcutt spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1561 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hunt - 1.

Excused: Representative Mielke - 1.

ENGROSSED HOUSE BILL NO. 1561 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has seen an increase in the demand from constituent groups seeking recognition and funding through the establishment of commemorative or special license plates. The high cost of implementing a new special license plate series coupled with the uncertainty of the state's ability to recoup its costs, has led the legislature to delay the implementation of new special license plates. In order to address these issues, it is the intent of the legislature to create a mechanism that will allow for the evaluation of special license plate requests and establish a funding policy that will alleviate the financial burden currently placed on the state. Using these two strategies, the legislature will be better equipped to efficiently process special license plate legislation.

### PART I SPECIAL LICENSE PLATE REVIEW BOARD

NEW SECTION. Sec. 101. A new section is added to chapter 46.16 RCW to read as follows:  
SPECIAL LICENSE PLATE REVIEW BOARD CREATED. (1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor and who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. No member may be appointed for more than three consecutive terms.

(4) The legislative transportation committee may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

NEW SECTION. Sec. 102. A new section is added to chapter 46.16 RCW to read as follows:  
ADMINISTRATION OF THE BOARD. (1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the legislative transportation committee in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department of licensing shall provide administrative support to the board, which must include at least the following:

- (a) Provide general staffing to meet the administrative needs of the board;
  - (b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;
  - (c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization;
  - (d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.
- (5) The legislative transportation committee shall provide general oversight of the board, which must include at least the following:
- (a) Process and approve board member compensation requests;
  - (b) Review the annual financial reports submitted to the board by sponsoring organizations;
  - (c) Review annually the list of the board's approved and rejected special license plate proposals submitted by sponsoring organizations.

**NEW SECTION. Sec. 103.** A new section is added to chapter 46.16 RCW to read as follows:  
**AUTHORITY AND RESPONSIBILITIES OF THE BOARD.** (1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

- (a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the legislative transportation committee;
- (b) Report annually to the legislative transportation committee on the special license plate applications that were considered by the board;
- (c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;
- (d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees.

## **PART II ELIGIBILITY REQUIREMENTS FOR A SPONSORING ORGANIZATION**

**NEW SECTION. Sec. 201.** A new section is added to chapter 46.16 RCW to read as follows:  
**ELIGIBILITY REQUIREMENTS.** (1) For an organization to qualify for a special license plate under the special license plate approval program created in sections 101 through 303 of this act, the sponsoring organization must submit documentation in conjunction with the application to the department that verifies:

- (a) That the organization is a nonprofit organization, as defined in 26 U.S.C. Sec. 501(c)(3). The department may request a copy of an Internal Revenue Service ruling to verify an organization's nonprofit status; and
- (b) That the organization is located in Washington and has registered as a charitable organization with the secretary of state's office as required by law.

(2) For a governmental body to qualify for a special license plate under the special license plate approval program created in sections 101 through 303 of this act, a governmental body must be:

- (a) A political subdivision, including but not limited to any county, city, town, municipal corporation, or special purpose taxing district that has the express permission of the political subdivision's executive body to sponsor a special license plate;
- (b) A federally recognized tribal government that has received the approval of the executive body of that government to sponsor a special license plate;
- (c) A state agency that has both received approval from the director of the agency or the department head, and has the express statutory authority to sponsor a special license plate; or
- (d) A community or technical college that has the express permission of the college's board of trustees to sponsor a special license plate.

## **PART III GENERAL REQUIREMENTS**

**NEW SECTION. Sec. 301.** A new section is added to chapter 46.16 RCW to read as follows:

**APPLICATION REQUIREMENTS.** (1) A sponsoring organization meeting the requirements of section 201 of this act, applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section. If the sponsoring organization cannot meet the payment requirements of subsection (2) of this section, then the organization must meet the requirements of subsection (3) of this section.

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under section 302(3) of this act;

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and

(e) Provide proof of organizational qualifications as determined by the department as provided for in section 201 of this act.

(3) If the sponsoring organization is not able to meet the payment requirements of subsection (2)(a) of this section and can demonstrate this fact to the satisfaction of the department, the sponsoring organization shall:

(a) Submit an application and nonrefundable fee of two thousand dollars, for deposit in the motor vehicle account, to the department;

(b) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of two thousand intended purchases of the special license plate;

(c) Provide a proposed license plate design;

(d) Provide a marketing strategy outlining short and long-term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(e) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and

(f) Provide proof of organizational qualifications as determined by the department as provided in section 201 of this act.

(4) After an application is approved by the special license plate review board, the application need not be reviewed again by the board for a period of three years.

**NEW SECTION. Sec. 302.** A new section is added to chapter 46.16 RCW to read as follows:

**DISPOSITION OF REVENUES.** (1)(a) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in section 301(3) of this act must be deposited into the motor vehicle account until the department determines that the state's implementation costs have been fully reimbursed. The department shall apply the application fee required under section 301(3)(a) of this act towards those costs.

(b) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the treasurer, and commence the distribution of the revenue as otherwise provided by law.

(2) If reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233. The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public.

(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in section 301(3) of this act, must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

(4) The department shall provide the special license plate applicant with a written receipt for the payment.

(5) The department shall maintain a record of each special license plate applicant trust account deposit, including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(6) After the department receives written notice that the special license plate applicant's application has been:

- (a) Approved by the legislature the director shall request that the money be transferred to the motor vehicle account;
- (b) Denied by the special license plate review board or the legislature the director shall provide a refund to the applicant within thirty days; or
- (c) Withdrawn by the special license plate applicant the director shall provide a refund to the applicant within thirty days.

**NEW SECTION. Sec. 303.** A new section is added to chapter 46.16 RCW to read as follows:

**SPECIAL LICENSE PLATE ON-GOING REQUIREMENTS.** (1) Within thirty days of legislative enactment of a new special license plate series for a qualifying organization meeting the requirements of section 201(1) of this act, the department shall enter into a written agreement with the organization that sponsored the special license plate. The agreement must identify the services to be performed by the sponsoring organization. The agreement must be consistent with all applicable state law and include the following provision:

"No portion of any funds disbursed under the agreement may be used, directly or indirectly, for any of the following purposes:

(a) Attempting to influence: (i) The passage or defeat of legislation by the legislature of the state of Washington, by a county, city, town, or other political subdivision of the state of Washington, or by the Congress; or (ii) the adoption or rejection of a rule, standard, rate, or other legislative enactment of a state agency;

(b) Making contributions reportable under chapter 42.17 RCW; or

(c) Providing a: (i) Gift; (ii) honoraria; or (iii) travel, lodging, meals, or entertainment to a public officer or employee."

(2) The sponsoring organization must submit an annual financial report by September 30th of each year to the department detailing actual revenues and expenditures of the revenues received from sales of the special license plate. Consistent with the agreement under subsection (1) of this section, the sponsoring organization must expend the revenues generated from the sale of the special license plate series for the benefit of the public, and it must be spent within this state. Disbursement of the revenue generated from the sale of the special license plate to the sponsoring organization is contingent upon the organization meeting all reporting and review requirements as required by the department.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign its plate series until all of the inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

**NEW SECTION. Sec. 304.** A new section is added to chapter 46.16 RCW to read as follows:

**NONREVIEWED PLATES.** (1) A special license plate series created by the legislature after January 1, 2004, that has not been reviewed and approved by the special license plate review board is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund. The creation and implementation of the plate series may not commence until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle account until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it is determined that the state has been fully reimbursed the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed license plate design to the department within thirty days of enactment of the legislation creating the plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Those plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign their plate series until all of the existing inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

#### **PART IV STANDARD BACKGROUND**

**Sec. 401.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, ~~the appearance of the background of all~~ vehicle license plates may vary in color and design but must be ((issued on a standard background)) legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the special license plate review board created under section 101 of this act and enacted by the legislature may display a symbol or artwork approved by the special license plate review board.

#### **PART V PRIOR SPECIAL PLATE SERIES CONTINUATION**

**Sec. 501.** RCW 46.16.314 and 1997 c 291 s 9 are each amended to read as follows:

~~((After a period of three years from the initial issuance of a special license plate series,))~~ The department has the sole discretion, based upon the number of sales to date, to determine whether or not to continue issuing ~~((the))~~ license plates in a special series created before January 1, 2003.

#### **PART VI TECHNICAL**

NEW SECTION. **Sec. 601.** Part headings used in this act are not part of the law.

#### **PART VII NULL AND VOID**

NEW SECTION. **Sec. 701.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

In line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.233 and 46.16.314; adding new sections to chapter 46.16 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1592 as amended by the Senate.

Representative Simpson spoke in favor of the passage of the bill.

#### **ROLL CALL**



The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1592 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Bailey, Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Crouse, DeBolt, Flannigan, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Newhouse, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sump and Talcott - 32.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1605, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 10.98 RCW to read as follows:

(1) The legislature finds that each of the state's justice agencies and the courts have developed independent information systems to address independent management and planning needs, that the state's justice information system is fragmented, and that access to complete, accurate, and timely justice information is difficult and inefficient.

(2) The legislature declares that the purpose of this act is to develop and maintain, in a cost-effective manner, a statewide network of criminal justice information that enables sharing and integrated delivery of justice information maintained in the state's independent information systems and that will:

(a) Maximize standardization of data and communications technology among law enforcement agencies, jails, prosecuting attorneys, the courts, corrections, and licensing;

(b) Reduce redundant data collection and input efforts;

(c) Reduce or eliminate paper-based information exchanges;

(d) Improve work flow within the criminal justice system;

(e) Provide complete, accurate, and timely information to criminal justice agencies and courts in a single computer session; and

(f) Maintain security and privacy rights respecting criminal justice information.

(3) Statewide coordination of criminal justice information will improve:

(a) The safety of the public and the safety of law enforcement officers and other public servants, by making more complete, accurate, and timely information concerning offenders available to all criminal justice agencies and courts;

(b) Decision making, by increasing the availability of statistical measures for review, evaluation, and promulgation of public policy; and

(c) Access to complete, accurate, and timely information by the public, to the extent permitted pursuant to chapters 10.97 and 42.17 RCW.

(4) The legislature encourages state and local criminal justice agencies and courts to collaborate in the development of justice information systems, as criminal justice agencies and courts collect the most complete, accurate, and timely information regarding offenders.

(5) The legislature finds that the implementation, operation, and continuing enhancement of a statewide justice information network that enables sharing and integrated delivery of information maintained in the state's independent information systems is critical to the complete, accurate, and timely performance of criminal background checks and to the effective communications between and among law enforcement, the courts, executive agencies, and political subdivisions of the state. The legislature further finds and declares that it is in

the best interests of the citizens of the state and for the enhancement of public safety that the Washington integrated justice information board be created as soon as possible.

(6) The legislature finds that the intent, purpose, and goals of this act will be implemented most effectively by a board having the power, authority, and responsibility to develop, maintain, and enhance a statewide justice information network that enables sharing and integrated delivery of justice information maintained in the state's independent information systems.

**Sec. 2.** RCW 10.98.160 and 1999 c 143 s 53 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, the office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrator for the courts, local law enforcement agencies, ~~((jailers))~~ local jails, the sentencing guidelines commission, the indeterminate sentence review board, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. ~~((An executive committee appointed by the heads of the department, the Washington state patrol, and the office of financial management))~~ The Washington integrated justice information board shall review and provide recommendations to state justice agencies and the courts for development and modification of the ~~((section, the department, and the office of financial management's felony criminal information systems))~~ statewide justice information network.

**NEW SECTION. Sec. 3.** A new section is added to chapter 10.98 RCW to read as follows:

(1) There is created the Washington integrated justice information board. The board shall be composed of the following members:

- (a) A representative appointed by the governor;
- (b) The attorney general;
- (c) The chief of the state patrol;
- (d) The secretary of the department of corrections;
- (e) The director of the department of licensing;
- (f) The administrator for the courts;
- (g) The director of the office of financial management;
- (h) The director of the department of information services;
- (i) The assistant secretary of the department of social and health services responsible for juvenile rehabilitation programs;
- (j) A sheriff appointed by the Washington association of sheriffs and police chiefs;
- (k) A police chief appointed by the Washington association of sheriffs and police chiefs;
- (l) A county legislative authority member appointed by the Washington state association of counties;
- (m) An elected county clerk appointed by the Washington association of county clerks;
- (n) A representative appointed by the Washington association of city and county information systems;
- (o) Two representatives appointed by the judicial information system committee;
- (p) A representative appointed by the association of Washington cities; and
- (q) An elected prosecutor appointed by the Washington association of prosecuting attorneys.

These members shall constitute the membership of the board with full voting rights and shall serve at the pleasure of the appointing authority. Each member may, in writing, appoint a designee to serve in the member's absence. Any member of the board shall immediately cease to be a member if he or she ceases to hold the particular office or employment that was the basis of the appointment. Vacancies shall be filled in the same manner that the original appointments were made to the board.

(2) The board may appoint additional justice information stakeholders as nonvoting members to the board.

(3) In making the appointments, the appointing authorities shall endeavor to assure that there is committed board membership having expertise relating to state and local criminal justice business practices and to information sharing and integration technology.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.98 RCW to read as follows:

The board shall elect a chair and vice-chair from among its voting members. Nine voting members of the board shall constitute a quorum. Meetings may be called by the chair or upon the written request of three members of the board. Meeting participation may be by means of conference call or any other communication equipment that allows all persons participating in the meeting to speak and hear all participants.

**NEW SECTION. Sec. 5.** A new section is added to chapter 10.98 RCW to read as follows:

- (1) The board shall have the following powers and duties related to integration of justice information:
- (a) Meet at such times and places as may be designated by the chair or by three voting members of the board;
  - (b) Adopt its own bylaws, and such other rules governing the board and the conduct of its meetings as the board may deem reasonable or convenient;

(c) Coordinate and facilitate the governance, implementation, operation, maintenance, and enhancement of sharing and integrated delivery of complete, accurate, and timely justice information;

(d) Increase the use of automated electronic data transfer among state justice agencies, local justice agencies, and courts;

(e) Establish and implement uniform data standards and protocols for data transfer and sharing, interface applications, and connectivity standards;

(f) Provide state agency and court justice information to criminal justice agencies and courts through connections and applications that enable single session access from multiple platforms;

(g) Pursue, develop, and coordinate grants and other funding opportunities for state and local justice information projects that will expand or enhance the sharing and integrated delivery of statewide justice information;

(h) Assess state and local agencies' projects and plans for sharing and delivery of integrated justice information, as may be requested by the agencies, the director of the office of financial management, the supreme court, or the legislature;

(i) Assist the office of financial management with budgetary and policy review of state agency plans affecting the justice information network;

(j) Recommend to the governor, the supreme court, and the legislature those legislative changes and appropriations needed to implement, maintain, and enhance a statewide justice information network and to assure the availability of complete, accurate, and timely justice information;

(k) Encourage coordination, consistency, and compatibility among courts, state agency, and local agency justice information systems and projects; and

(l) Adopt strategic and tactical planning goals and objectives that implement, maintain, and enhance sharing and integrated delivery of justice information for the state.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of courts, state agencies, and local agencies to control and maintain access to information within their independent systems.

**NEW SECTION. Sec. 6.** A new section is added to chapter 10.98 RCW to read as follows:

The board shall file a report with the governor, the supreme court, and the chairs and ranking minority members of the senate and house committees with jurisdiction over criminal justice funding and policy by September 1, 2004, and not less than every two years thereafter. The report shall include specific goals for improving criminal justice information systems integration, a timeline and identifiable benchmarks for achieving those goals, and recommendations concerning legislative changes and appropriations needed to implement, operate, and enhance a statewide justice information network to assure the availability of complete, accurate, and timely justice information."

On page 1, beginning on line 1 of the title, after "network;" strike the remainder of the title and insert "amending RCW 10.98.160; and adding new sections to chapter 10.98 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1605 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1605 as amended by the Senate.

Representative Ruderman spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1605 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1605 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1609, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that numerous changes to the sentencing reform act, chapter 9.94A RCW, as reported by the sentencing guidelines commission, have resulted in increases in the length of local jail and state prison sentences and in the number of local jail and state prison inmates. The intent of the sentencing reform act, particularly provisions regarding protection of the public, reduction of the risk of reoffense, and making frugal use of state and local government resources, would best be served, in many instances, by local and state corrections authorities sharing resources and jurisdiction over regional correctional facilities.

**NEW SECTION. Sec. 2.** (1) Not later than December 31, 2003, the sentencing guidelines commission shall present to the legislature a plan for establishing pilot regional correctional facilities.

(2) The plan for establishing pilot regional correctional facilities must include, but is not limited to, the following:

- (a) A plan for increasing the space availability in local and county jails for pretrial detainees;
- (b) An efficient and effective plan for joint use of total confinement beds by local and state government;
- (c) A description of proposed shared and/or revised jurisdiction and operational responsibility, including the possibility of establishing a regional corrections authority;
- (d) A summary of proposed changes to the criminal code reflecting revised housing jurisdiction;
- (e) A plan to account for the inmate population eligible for placement in pilot regional correctional facilities which includes: Pretrial detainees, inmates serving sentences of sixty days to twenty- four months, and inmates serving terms of confinement totaling more than one year.
- (i) Other than pretrial detainees, only inmates serving sentences of sixty days to twenty-four months are eligible for placement in regional correctional facilities.
- (ii) Regional correctional facilities must accept inmates serving terms of confinement totaling more than one year;
- (f) A review of treatment services and programs intended to meet the needs of special populations including drug and substance abuse, mental health, and special medical needs;
- (g) An estimate of potential benefits to local and county jail operators and to the state, which could be realized by implementation of pilot programs;
- (h) A proposed method for identifying pilot regional correctional facility sites;
- (i) A methodology for evaluating the costs benefit of operation of pilot facilities; and
- (j) Recommendations for sharing capacity, resources, and funding of the construction and operation cost of the facilities."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1609 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1609 as amended by the Senate.

Representative O'Brien spoke in favor of the passage of the bill.

Representative Darneille spoke against passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1609 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Cairnes, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Benson, Bush, Campbell, Carrell, Conway, Crouse, Darneille, Flannigan, Kirby, Lantz, McMahan, Morrell, Pettigrew, Roach, Schindler, Shabro, Sump and Talcott - 19.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1609 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1624, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.36.005 and 2002 c 104 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context clearly requires otherwise.

(1) "Community agency" means local community agencies that administer community service voice mail programs.

(2) "Community service voice mail" means a computerized voice mail system that provides low-income recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a private security code to retrieve messages.

(3) "Department" means the department of social and health services.

(4) "Service year" means the period between July 1st and June 30th.

(5) "Community action agency" means local community action agencies or local community service agencies designated by the department of community, trade, and economic development under chapter 43.63A RCW.

Sec. 2. RCW 80.36.410 and 2002 c 104 s 2 are each amended to read as follows:

(1) The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that: ~~((4))~~ (a) Recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income persons to continue to afford access to local exchange telephone service; and ~~((2))~~ (b) many low-income persons making the transition to independence from receiving supportive services through community agencies do not qualify for economic assistance from the department.

(2) Therefore, the legislature finds that: (a) It is in the public interest to take steps to mitigate the effects of these changes on low-income persons; and (b) advances in telecommunications technologies, such as community service voice mail provide new and economically efficient ways to secure many of the benefits of universal service to low-income persons who are not customers of local exchange telephone service.

**Sec. 3.** RCW 80.36.420 and 1990 c 170 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be available to participants of ~~((department))~~ programs set forth in RCW 80.36.470. Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate service for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single telephone assistance rate for all local exchange companies operating in the state of Washington. The telephone assistance rate shall include any federal end user ~~((access))~~ charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the telephone assistance rate, consider all charges for local exchange service, including federal end user ~~((access))~~ charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The telephone assistance rate shall only be available to eligible customers subscribing to the lowest ~~((available))~~ priced local exchange flat rate service, where the lowest priced local exchange flat rate service, including any federal end user ~~((access))~~ charges and any other charges necessary to obtain local exchange service, is greater than the telephone assistance rate. ~~((Low income senior citizens sixty years of age and older and other low income persons identified by the department as medically needy shall, where single party service is available, be provided with single party service as the lowest available local exchange flat rate service.))~~

(d) The cost of providing the service shall be paid, to the maximum extent possible, by a waiver of all or part of ~~((the))~~ federal end user ~~((access))~~ charges and, to the extent necessary, from the telephone assistance fund created by RCW 80.36.430.

(4) A discount on a community service voice mailbox that provides recipients with (a) an individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a secure private security code to retrieve messages.

**Sec. 4.** RCW 80.36.430 and 1990 c 170 s 3 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of community, trade, and economic development for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

**Sec. 5.** RCW 80.36.440 and 1990 c 170 s 4 are each amended to read as follows:

(1) The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through 80.36.470.

(2) Rules necessary for the implementation of community service voice mail services shall be made by the commission and the department in consultation with the department of community, trade, and economic development.

**Sec. 6.** RCW 80.36.450 and 1993 c 249 s 2 are each amended to read as follows:

The Washington telephone assistance program shall ~~((be limited))~~ limit reimbursement to one residential switched access line per eligible household, or one discounted community service voice mailbox per eligible person.

**Sec. 7.** RCW 80.36.460 and 1990 c 170 s 5 are each amended to read as follows:

Local exchange companies shall ~~((file tariffs with the commission which))~~ waive deposits on local exchange service for eligible subscribers and ~~((which establish))~~ provide a fifty percent discount on the company's customary charge for commencing telecommunications service ((connection fees)) for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the telephone assistance fund. ~~((Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.))~~

**Sec. 8.** RCW 80.36.470 and 2002 c 104 s 3 are each amended to read as follows:

(1) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

(2) Participants in community service voice mail programs are eligible for participation in ~~((the telephone assistance program))~~ services available under RCW 80.36.420 (1), (2), and (3) after completing use of community service voice mail services. Eligibility shall be for a period including the remainder of the current service year and the following service year. Community agencies shall notify the department of participants eligible under this subsection.

**Sec. 9.** RCW 80.36.475 and 1990 c 170 s 7 are each amended to read as follows:

The department shall report to the ~~((energy and utilities))~~ appropriate committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

NEW SECTION. **Sec. 10.** 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, & 1987 c 229 s 12 (uncodified) are each repealed.

NEW SECTION. **Sec. 11.** 2002 c 104 s 4 (uncodified) is repealed.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

On page 1, beginning on line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; repealing 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, and 1987 c 229 s 12 (uncodified); repealing 2002 c 104 s 4 (uncodified); providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1624 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1624 as amended by the Senate.

Representative Hudgins spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1624 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1624 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1635, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.04.300 and 1998 c 79 s 7 are each amended to read as follows:

If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645. It shall be the duty of recipients of ~~((public assistance and/or food stamps or food stamp))~~ cash benefits ~~((transferred electronically))~~ to notify the department ~~((within twenty days of the receipt or possession of all income or resources not previously declared to the department))~~ of changes to earned income as defined in RCW 74.04.005(11). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW 74.04.005(10) that would result in ineligibility for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that result in ineligibility for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall make a determination of eligibility within ten days from the date it receives the reported change from the recipient. The department shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 74.04.300."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1635 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED



The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1635 as amended by the Senate.

Representative Pettigrew spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1635 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1635 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1707, with the following amendment:

On page 2, line 30, strike "voluntary measures by the proponent" and insert "mitigation measures included by changing, clarifying, or conditioning of the proposed action"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1707 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1707 as amended by the Senate.

Representative Romero spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1707 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Linville - 1.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1707 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1753, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.79.040 and 1995 1st sp.s. c 18 s 50 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of (~~the ill, injured, or infirm~~) individuals with illnesses, injuries, or disabilities, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, in-home service agency, community-based care setting, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

**Sec. 2.** RCW 18.79.260 and 2000 c 95 s 3 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, (~~of the ill, injured, or infirm~~) to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.

(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) of this subsection, a registered nurse may not delegate acts requiring substantial skill, ~~((the administration of medications, or))~~ and may not delegate piercing or severing of tissues ~~((except to registered or certified nursing assistants who provide care to individuals in community-based care settings as authorized under (d) of this subsection))~~. Acts that require nursing judgment shall not be delegated.

~~((e))~~ (d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

~~((d))~~ (e) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants. Simple care tasks such as blood pressure monitoring, personal care service, or other tasks as defined by the nursing care quality assurance commission are exempted from this requirement.

(i) "Community-based care settings" includes: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

~~((ii))~~ (ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (e)(i) of this subsection.

(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

~~((iv))~~ (iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. However, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

~~((v))~~ (v) The registered nurse shall verify that the nursing assistant has completed the required core nurse delegation training required in chapter 18.88A RCW prior to authorizing delegation.

~~((vi))~~ (vi) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

~~((v)) On or before June 30, 2001, the nursing care quality assurance commission, in conjunction with the professional nursing organizations and the department of social and health services, shall make any needed revisions or additions to nurse delegation protocols by rule, including standards for nurses to obtain informed consent prior to the delegation of nursing care tasks.)~~

(vii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

~~((e))~~ (f) The nursing care quality assurance commission may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

**Sec. 3.** RCW 18.88A.140 and 2000 c 171 s 25 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) A nursing assistant, while employed as a personal aide as defined in RCW 74.39.007, from accepting direction from an individual who is self-directing their care.

**Sec. 4.** RCW 18.88A.200 and 1995 1st sp.s. c 18 s 45 are each amended to read as follows:

The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under RCW 18.88A.210 may enhance the viability and quality of health care services in ~~((community health))~~ community- based care settings ~~((for long term care services))~~ and in-home care settings to allow ~~((citizens))~~ individuals to live as independently as possible with maximum safeguards.

**Sec. 5.** RCW 18.88A.210 and 2000 c 95 s 1 are each amended to read as follows:

(1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission. Exceptions to these training requirements must adhere to RCW 18.79.260(3)~~((d-iii))~~ (e)(v).

**Sec. 6.** RCW 18.88A.230 and 2000 c 95 s 2 are each amended to read as follows:

(1) The nursing assistant shall be accountable for their own individual actions in the delegation process. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the secretary for refusing to accept delegation of a nursing task based on patient safety issues. No community-based care setting as defined in RCW 18.79.260(3)~~((d))~~ (e), or in-home services agency as defined in RCW 70.127.010, may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

**Sec. 7.** RCW 70.127.010 and 2000 c 175 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual responsible for managing the operation of an agency.

(2) "Department" means the department of health.

(3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided by in-home health and hospice agencies.

(4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(5) "Home care agency" means a person administering or providing home care services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260(3)(e) is not considered a home health agency for the purposes of this chapter.

(6) "Home care services" means nonmedical services and assistance provided to ill, disabled, ~~((infirm,))~~ or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services or delegated tasks of nursing under RCW 18.79.260(3)(e).

(7) "Home health agency" means a person administering or providing two or more home health services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(8) "Home health services" means services provided to ill, disabled, ~~((infirm,))~~ or vulnerable individuals. These services include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

(9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

(10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(11) "Hospice agency" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of temporary or permanent residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer.

(12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under RCW 70.127.280.

(13) "Hospice services" means symptom and pain management provided to a terminally ill individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or permanent residence, and may include the provision of home health and home care services for the terminally ill individual.

(14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.

(16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

**Sec. 8.** RCW 70.127.040 and 2000 c 175 s 4 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

- (1) A family member providing home health, hospice, or home care services;
- (2) A person who provides only meal services in an individual's permanent or temporary residence;
- (3) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;
- (4) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;
- (5) A person who provides services through a contract with a licensed agency;
- (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;
- (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter ~~((71.12))~~ 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution;
- (8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;
- (9) An individual providing care to ill, disabled, ~~((infirm,))~~ or vulnerable individuals through a contract with the department of social and health services;
- (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;
- (11) In-home assessments of an ill, disabled, or vulnerable ~~((, or infirm))~~ individual that does not result in regular ongoing care at home;
- (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;
- (13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;
- (14) A person providing case management services. For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;
- (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;
- (16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

**Sec. 9.** RCW 70.127.120 and 2000 c 175 s 10 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

(1) Maintenance and preservation of all records relating directly to the care and treatment of individuals by licensees;

(2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints regarding services provided;

(3) Establishment and implementation of a plan for ongoing care of individuals and preservation of records if the licensee ceases operations;

(4) Supervision of services;

(5) Establishment and implementation of written policies regarding response to referrals and access to services;

(6) Establishment and implementation of written personnel policies, procedures and personnel records for paid staff that provide for prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;

(7) Establishment and implementation of written policies and procedures for volunteers who have direct patient/client contact and that provide for background and health screening, orientation, and supervision;

(8) Establishment and implementation of written policies for obtaining regular reports on patient satisfaction;

(9) Establishment and implementation of a quality improvement process; ~~(and)~~

(10) Establishment and implementation of policies related to the delivery of care including:

(a) Plan of care for each individual served;

(b) Periodic review of the plan of care;

(c) Supervision of care and clinical consultation as necessary;

(d) Care consistent with the plan;

(e) Admission, transfer, and discharge from care; and

(f) For hospice services:

(i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;

(ii) Interdisciplinary team communication as appropriate and necessary; and

(iii) The use and availability of volunteers to provide family support and respite care; and

(11) Establishment and implementation of policies related to agency implementation and oversight of nurse delegation as defined in RCW 18.79.260(3)(e).

**Sec. 10.** RCW 70.127.170 and 2000 c 175 s 14 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence

during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice;

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;

(11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;

(12) Was the holder of a license to provide care or treatment to ill, disabled, (~~infirm~~) or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;

(13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;

(14) Failed to comply with an order issued by the secretary or designee;

(15) Aided or abetted the unlicensed operation of an in-home services agency;

(16) Operated beyond the scope of the in-home services agency license;

(17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;

(18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;

(19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;

(20) Failed or refused to comply with chapter 70.02 RCW;

(21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;

(22) Misappropriated the property of an individual;

(23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;

(24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or

(25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

**Sec. 11.** RCW 69.41.010 and 2000 c 8 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Community-based care settings" include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

~~((5))~~ (6) "Dispenser" means a practitioner who dispenses.

~~((6))~~ (7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

~~((7))~~ (8) "Distributor" means a person who distributes.

~~((8))~~ (9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in ~~((clause))~~ (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

~~((9))~~ (10) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.

~~((10))~~ (11) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(12) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((11))~~ (13) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.

~~((12))~~ (14) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting ~~((specified in RCW 69.41.085))~~ or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. ~~((The))~~ A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined ~~((, in consultation with the individual or the individual's representative,))~~ and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

~~((13))~~ (15) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

~~((14))~~ (16) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

~~((15))~~ (17) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 12.** RCW 69.41.085 and 1998 c 70 s 1 are each amended to read as follows:

Individuals residing in community-based care settings, such as adult family homes, boarding homes, and residential care settings for the developmentally disabled, including an individual's home, ~~((might need medication assistance due to physical or mental limitations that prevent them from self-administering their legend drugs or controlled substances. The practitioner in consultation with the individual or his or her representative and the community based setting, if involved, determines that medication assistance is appropriate for this individual. Medication assistance can take different forms such as opening containers, handing the container or medication to the individual, preparing the medication with prior authorization, using enablers for facilitating the self administration of medication, and other means of assisting in the administration of legend drugs or controlled substances commonly employed in community based settings))~~ may receive medication assistance. Nothing in this chapter affects the right of an individual to refuse medication or requirements relating to informed consent.

**NEW SECTION. Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 18.79.040, 18.79.260, 18.88A.140, 18.88A.200, 18.88A.210, 18.88A.230, 70.127.010, 70.127.040, 70.127.120, 70.127.170, 69.41.010, and 69.41.085; and declaring an emergency."



and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1753 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1753 as amended by the Senate.

Representative Cody spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1753 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1753 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1786, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 59.20.030 and 1999 c 359 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(3) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(4) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built

since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(5) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

(6) "Mobile home park" or "manufactured housing community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(7) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

(8) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

(9) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation ~~((and habitation))~~ and is used as a primary residence;

(10) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

(11) "Tenant" means any person, except a transient, who rents a mobile home lot;

(12) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

(13) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

**Sec. 2.** RCW 59.20.070 and 1999 c 359 s 6 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park or require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, or meetings of organizations that represent the interest of tenants in the park, held in any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

(8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, ~~((fire and safety concerns provided such))~~ failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this chapter ((59.20 RCW)) or any other relevant statutory provision.

**Sec. 3.** RCW 59.20.073 and 1999 c 359 s 7 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.

(3) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards if a state or local agency responsible for the enforcement of fire and safety standards has issued a notice of violation of those standards to the tenant and those violations remain uncorrected. Upon correction of the violation to the satisfaction of the state or local agency responsible for the enforcement of that notice of violation, the landlord's refusal to permit the transfer is deemed withdrawn.

(5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

(6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

**Sec. 4.** RCW 59.20.080 and 1999 c 359 s 10 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal

drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including ~~this chapter ((59.20 RCW))~~. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles, as defined in RCW 59.20.030, from mobile home parks. This chapter governs the eviction of mobile homes, manufactured homes, park models, and recreational vehicles used as a primary residence from a mobile home park."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1786 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1786 as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1786 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1786 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1805, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.010 and 2002 c 138 s 1 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two; Clark, (~~five~~) six; Columbia, one; Cowlitz, two; Douglas, one; Ferry, one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island, one; Jefferson, one; King, (~~twenty-six~~) twenty-one; Kitsap, three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, two; Skamania, one; Snohomish, eight; Spokane, ten; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020.

**Sec. 2.** RCW 3.34.020 and 2002 c 83 s 1 are each amended to read as follows:

(1) Any change in the number of full and part-time district judges after January 1, 1992, shall be determined by the legislature after receiving a recommendation from the supreme court. The supreme court shall make its recommendations to the legislature based on an objective workload analysis that takes into account available judicial resources and the caseload activity of each court.

(2) The administrator for the courts, under the supervision of the supreme court, may consult with the board of judicial administration and the district and municipal court judge's association in developing the procedures and methods of applying the objective workload analysis.

(3) For each recommended change from the number of full and part-time district judges in any county as of January 1, 1992, the administrator for the courts, under the supervision of the supreme court, shall complete a judicial impact note detailing any local or state cost associated with such recommended change.

(4) If the legislature approves an increase in the base number of district judges in any county as of January 1, 1992, such increase in the base number of district judges and all related costs may be paid for by the county from moneys provided under RCW 82.14.310, and any such costs shall be deemed to be expended for criminal justice purposes as provided in RCW 82.14.315, and such expenses shall not constitute a supplanting of existing funding.

(5)(a) A county legislative authority that desires to change the number of full or part-time district judges from the base number on January 1, 1992, must first request the assistance of the supreme court. The administrator for the courts, under the supervision of the supreme court, shall conduct an objective workload analysis and make a recommendation of its findings to the legislature for consideration as provided in this section. Changes in the number of district court judges may only be made by the legislature in a year in which the quadrennial election for district court judges is not held.

(b) The legislative authority of any county may change a part-time district judge position to a full-time position.

**Sec. 3.** RCW 3.34.100 and 1992 c 76 s 1 are each amended to read as follows:

If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

**Sec. 4.** RCW 3.38.020 and 1984 c 258 s 23 are each amended to read as follows:

The district court districting committee shall meet at the call of the prosecuting attorney to prepare ((a)) or amend the plan for the districting of the county into one or more district court districts in accordance with the provisions of chapters 3.30 through 3.74 RCW. The plan shall include the following:

- (1) The boundaries of each district proposed to be established;
- (2) The number of judges to be elected in each district or electoral district, if any. In determining the number of judges to be elected, the districting committee shall consider the results of an objective workload analysis conducted by the administrator for the courts;
- (3) The location of the central office, courtrooms and records of each court;
- (4) The other places in the district, if any, where the court shall sit;
- (5) The number and location of district court commissioners to be authorized, if any;
- (6) The departments, if any, into which each district court shall be initially organized, including municipal departments provided for in chapter 3.46 RCW;
- (7) The name of each district; and
- (8) The allocation of the time and allocation of salary of each judge who will serve part time in a municipal department.

**Sec. 5.** RCW 3.38.040 and 1984 c 258 s 27 are each amended to read as follows:

(1) The districting committee may meet for the purpose of amending the districting plan at any time on call of the county legislative authority, the chairperson of the committee or a majority of its members. Amendments to the plan shall be submitted to the county legislative authority not later than March 15th of each year for adoption by the county legislative authority following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular election for district judge. All other amendments may be effective on a date set by the county legislative authority.

(2) The districting committee shall meet within forty-five days of the effective date of changes in the number of judges to be elected in each district court district, or electoral district, if any. Amendments to the plan concerning the number of judges to be elected in each district court district, or electoral district, if any, shall be submitted to the county legislative authority not later than ninety days after the effective date of changes in RCW 3.34.010, and the amendments shall be adopted not later than one hundred eighty days after the effective date of changes in RCW 3.34.010.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010, 3.34.020, 3.34.100, 3.38.020, and 3.38.040; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1805 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1805 as amended by the Senate.

Representative Lantz spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1805 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Chandler - 2.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1805 as amended by the Senate, having received the constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1805.

CHERYL PLUG, 5<sup>th</sup> District

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such

desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.



(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers (~~supplied to an agency for the purpose of electronic transfer of funds~~), except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the

public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1845 as amended by the Senate.

Representative Haigh spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1845 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 10, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1854, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.52 RCW to read as follows:

A city or district may contract to purchase from an operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city or district must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the operating agency or a city or district under the contract or other instrument.

**NEW SECTION. Sec. 2.** A new section is added to chapter 54.16 RCW to read as follows:

A district may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the district must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or district under the contract or other instrument.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.92 RCW to read as follows:

A city or town may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city or town must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35.22 RCW to read as follows:

A city of the first class may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

**NEW SECTION. Sec. 5.** A new section is added to chapter 35.23 RCW to read as follows:

A city of the second class may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may

provide that the city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

**NEW SECTION. Sec. 6.** A new section is added to chapter 35.27 RCW to read as follows:

A town may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the town must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

**NEW SECTION. Sec. 7.** A new section is added to chapter 35A.80 RCW to read as follows:

A code city may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the code city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 43.52 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.27 RCW; and adding a new section to chapter 35A.80 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1854 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1854 as amended by the Senate.

Representatives Crouse and Morris spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1854 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1854 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1878, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.10 RCW to read as follows:

(1) Before granting any order regarding the custody of a child under this chapter, the court shall consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court shall:

(a) Direct the department of social and health services to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

Sec. 2. RCW 13.50.100 and 2001 c 162 s 2 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of social and health services may release information retained in the course of conducting child protective services investigations to a family or juvenile court hearing a petition for custody under chapter 26.10 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which:

(i) The juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

~~((5))~~ (7) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

~~((6))~~ (8) A juvenile or his or her parent denied access to any records following an agency determination under subsection ~~((5))~~ (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection ~~((5))~~ (7)(a) and (b) of this section.

~~((7))~~ (9) The person making a motion under subsection ~~((6))~~ (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

~~((8))~~ (10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection ~~((5))~~ (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

~~((9))~~ (11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(12) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

**Sec. 3.** RCW 26.10.030 and 2000 c 135 s 3 are each amended to read as follows:

(1) Except as authorized for proceedings brought under chapter 13.34 RCW, or chapter 26.50 RCW in district or municipal courts, a child custody proceeding is commenced in the superior court by a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where the child is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian. In proceedings in which the juvenile court has not exercised concurrent jurisdiction and prior to a child custody hearing, the court shall determine if the child is the subject of a pending dependency action.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

(3) The petitioner shall include in the petition the names of any adult members of the petitioner's household.

**NEW SECTION. Sec. 4.** A new section is added to chapter 26.50 RCW to read as follows:  
In addition to the information required to be included in the judicial information system under RCW 26.50.160, the data base shall contain the names of any adult cohabitant of a petitioner to a third-party custody action under chapter 26.10 RCW.

**Sec. 5.** RCW 43.43.830 and 2002 c 229 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; ((ø))

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathic medicine and surgery;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing; and
- (l) Psychology.

"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.

(9) "Unsupervised" means not in the presence of:

- (a) Another employee or volunteer from the same business or organization as the applicant; or



(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(10) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(11) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(12) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.10 RCW to read as follows:

(1) A party seeking a custody order shall submit, along with his or her motion, an affidavit declaring that the child is not in the physical custody of one of its parents or that neither parent is a suitable custodian and setting forth facts supporting the requested order. The party seeking custody shall give notice, along with a copy of the affidavit, to other parties to the proceedings, who may file opposing affidavits.

(2) The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order should not be granted.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.10 RCW to read as follows:

(1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of the act shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the Indian child welfare act does or does not apply. Where there is a finding that the Indian child welfare act does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the Indian child welfare act have been satisfied."

On page 1, line 2 of the title, after "petitions;" strike the remainder of the title and insert "amending RCW 13.50.100, 26.10.030, and 43.43.830; adding new sections to chapter 26.10 RCW; and adding a new section to chapter 26.50 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1878 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1878 as amended by the Senate.

Representative Dickerson spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1878 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1878 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.34.020 and 1999 c 176 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid((s)) or prevent((s)) physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

**Sec. 2.** RCW 74.34.035 and 1999 c 176 s 5 are each amended to read as follows:

(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.

~~((H))~~ ~~(2)~~ When there is reason to suspect that sexual ~~((or physical))~~ assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.

~~((2))~~ ~~(3)~~ When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:

(a) Mandated reporters shall immediately report to the department; and

(b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.

(4) A mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless:

(a) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) There is a fracture;

(c) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or

(d) There is an attempt to choke a vulnerable adult.

(5) Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected.

~~((3))~~ ~~(6)~~ No facility, as defined by this chapter, agency licensed or required to be licensed under chapter 70.127 RCW, or facility or agency under contract with the department to provide care for vulnerable adults may develop policies or procedures that interfere with the reporting requirements of this chapter.

~~((4))~~ ~~(7)~~ Each report, oral or written, must contain as much as possible of the following information:

(a) The name and address of the person making the report;

(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;

(c) The name and address of the legal guardian or alternate decision maker;

(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;

(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;

(f) The identity of the alleged perpetrator, if known; and

(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

~~((5))~~ (8) Unless there is a judicial proceeding or the person consents, the identity of the person making the report under this section is confidential.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "reporters;" strike the remainder of the title and insert "amending RCW 74.34.020 and 74.34.035; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1904 as amended by the Senate.

Representative O'Brien spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1904 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904 as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1909, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the focus of transfer between institutions of higher education has been on students' accumulation of credits, where courses necessary for entry to each successive level of higher education have been individually identified and vary by institution and academic discipline. It is the legislature's intent to begin a process that will change the focus of transfer to defining and recognizing student competencies.

NEW SECTION. **Sec. 2.** (1) The higher education coordinating board, in consultation with the state board for community and technical colleges and the council of presidents, shall recruit and select institutions of higher education to participate in a pilot project to define transfer standards in selected academic disciplines on the basis of student competencies. Participants shall include one public four- year institution of higher education, two or more community or technical colleges that regularly transfer a substantial number of students to that four-year institution, and one or more private career colleges that prepare students in the academic disciplines selected under the pilot project. Such colleges shall be accredited and licensed under chapter 28C.10 RCW.

(2) The pilot project participants shall identify several academic disciplines to form the basis of the project and develop a work plan, timelines, and expected products for the project, which shall be presented by the higher education coordinating board in a preliminary report to the higher education committees of the legislature by December 1, 2004.

(3) Under the pilot project, participants shall develop standards, definitions, and procedures for quality assurance for a transfer system based on student competencies. It is the legislature's intent that under such a system, four-year institutions of higher education, in collaboration with two-year institutions of higher education, define the knowledge, skills, and abilities students should possess in order to enter an upper division program in a particular academic discipline. The two and four-year institutions providing lower division preparation for such an upper division program are responsible for certifying that a student meets the expected standards, but have flexibility to determine how to assess whether the student has obtained the necessary knowledge, skills, and abilities. Such assessments need not be based on completion of particular courses or accumulation of credits.

(4) The pilot project participants may request assistance in their work from the higher education coordinating board, the western interstate commission on higher education, the state board for community and technical colleges, or the council of presidents. The pilot project participants and the higher education coordinating board shall structure the work of the project in such a way that development costs for the project are absorbed within existing institution and agency budgets.

(5) In collaboration with the higher education coordinating board, the pilot project participants shall report to the higher education committees of the legislature by December 1, 2005, on the progress and status of the pilot project. The report shall identify any barriers encountered by the project and make recommendations for next steps in developing a competency-based transfer system for higher education.

(6) This section expires June 30, 2006."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1909 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1909 as amended by the Senate.

Representative Jarrett spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1909 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.  
Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1909 as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1937, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.04 RCW to read as follows:

"Power wheelchair" means any self-propelled vehicle capable of traveling no more than fifteen miles per hour, usable indoors, designed as a mobility aid for individuals with mobility impairments, and operated by such an individual.

**Sec. 2.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read as follows:

"Motor vehicle" (~~shall~~) means every vehicle (~~which~~) that is self-propelled and every vehicle (~~which~~) that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. An electric personal assistive mobility device is not considered a motor vehicle. A power wheelchair is not considered a motor vehicle.

**Sec. 3.** RCW 46.04.330 and 2002 c 247 s 3 are each amended to read as follows:

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor, a power wheelchair, an electric personal assistive mobility device, and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

**Sec. 4.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped, a power wheelchair, or an electric personal assistive mobility device.

**Sec. 5.** RCW 46.04.400 and 1990 c 241 s 1 are each amended to read as follows:

"Pedestrian" means any person who is afoot or who is using a wheelchair, a power wheelchair, or a means of conveyance propelled by human power other than a bicycle.

**Sec. 6.** RCW 46.04.670 and 2002 c 247 s 5 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW. Electric personal assistive mobility devices are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

**Sec. 7.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read as follows:

(1) No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric- assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

**Sec. 8.** RCW 47.04.010 and 1975 c 62 s 50 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

- (22) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in section 1 of this act, or a means of conveyance propelled by human power other than a bicycle;
- (23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;
- (24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;
- (25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;
- (26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;
- (27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;
- (28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
- (29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;
- (30) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;
- (31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;
- (32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;
- (33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;
- (34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;
- (35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;
- (36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;
- (37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;
- (38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
- (39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;
- (40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as defined in section 1 of this act, or devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary."

In line 1 of the title, after "wheelchairs;" strike the remainder of the title and insert "amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.400, 46.04.670, 46.20.500, and 47.04.010; and adding a new section to chapter 46.04 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1937 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**



The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1937 as amended by the Senate.

Representative Murray spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1937 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 1937 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1943, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.24.020 and 1994 sp.s. c 7 s 904 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers (~~and retailers~~) subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

**Sec. 2.** RCW 82.24.030 and 1995 c 278 s 2 are each amended to read as follows:

(1) In order to enforce collection of the tax hereby levied, the department of revenue shall design and have printed stamps of such size and denominations as may be determined by the department. The stamps must

be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the department to readily ascertain by inspection, whether or not such tax has been paid or whether an exemption from the tax applies.

(2) Except as otherwise provided in this chapter, ~~((every person))~~ only a wholesaler shall cause to be affixed on every package of cigarettes, stamps of an amount equaling the tax due thereon or stamps identifying the cigarettes as exempt before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the department that it is impractical to affix such stamps to the smallest container or package, the department may authorize the affixing of stamps of appropriate denomination to a large container or package.

(3) Only wholesalers may purchase or obtain cigarette stamps. Wholesalers shall not sell or provide stamps to any other wholesaler or person.

(4) Each roll of stamps, or group of sheets, shall have a separate serial number, which shall be legible at the point of sale. The department of revenue shall keep records of which wholesaler purchases each roll or group of sheets. If the department of revenue permits wholesalers to purchase partial rolls or sheets, in no case may stamps bearing the same serial number be sold to more than one wholesaler. The remainder of the roll or sheet, if any, shall either be retained for later purchases by the same wholesaler or destroyed.

(5) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

**Sec. 3.** RCW 82.24.040 and 1995 c 278 s 3 are each amended to read as follows:

(1) Except as authorized by this chapter, no person other than a licensed wholesaler shall possess in this state unstamped cigarettes.

(2) No wholesaler in this state may possess within this state unstamped cigarettes except that:

(a) Every wholesaler in the state who is licensed under Washington state law may possess within this state unstamped cigarettes for such period of time after receipt as is reasonably necessary to affix the stamps as required; and

(b) Any wholesaler in the state who is licensed under Washington state law and who furnishes a surety bond in a sum satisfactory to the department, shall be permitted to set aside, without affixing the stamps required by this chapter, such part of the wholesaler's stock as may be necessary for the conduct of the wholesaler's business in making sales to persons in another state or foreign country or to instrumentalities of the federal government. Such unstamped stock shall be kept separate and apart from stamped stock.

~~((2))~~ (3) Every wholesaler licensed under Washington state law shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state or to a federal instrumentality, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the department, at Olympia, not later than the fifteenth day of the following calendar month. For failure to comply with the requirements of this section, the department may revoke the permission granted to the taxpayer to maintain a stock of goods to which the stamps required by this chapter have not been affixed.

~~((3))~~ (4) Unstamped cigarettes possessed by a wholesaler under subsection (2) of this section that are transferred by the wholesaler to another facility of the wholesaler within the borders of Washington shall be transferred in compliance with RCW 82.24.250.

(5) Every wholesaler who is licensed by Washington state law shall sell cigarettes to retailers located in Washington only if the retailer has a current cigarette retailer's license or is an Indian tribal organization authorized to possess untaxed cigarettes under this chapter and the rules adopted by the department.

(6) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

**Sec. 4.** RCW 82.24.050 and 1995 c 278 s 4 are each amended to read as follows:

(1) No retailer in this state may possess unstamped cigarettes within this state ~~((except as provided in this chapter))~~ unless the person is also a wholesaler in possession of the cigarettes in accordance with RCW 82.24.040.

(2) A retailer may obtain cigarettes only from a wholesaler subject to the provisions of this chapter.

**Sec. 5.** RCW 82.24.110 and 1999 c 193 s 2 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license;

(c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(e) To violate any of the provisions of this chapter;

- (f) To violate any lawful rule made and published by the department of revenue or the board;
- (g) To use any stamps more than once;
- (h) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;
- (i) ~~((Except as provided in this chapter,))~~ For any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;
- (j) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;
- (k) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his or her control;
- (l) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;
- (m) For any person to possess or transport in this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state;
- (n) To possess, sell, or transport within this state any container or package of cigarettes that does not comply with this chapter.
- (2) It is unlawful for any person knowingly or intentionally to possess or to transport in this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (a) Proper notice as required by RCW 82.24.250 has been given; (b) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (c) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. Violation of this section shall be punished as a class C felony under Title 9A RCW.
- (3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.24 RCW to read as follows:

- (1) It is unlawful for any person to knowingly manufacture, sell, or possess counterfeit cigarettes. A cigarette is "counterfeit" if:
  - (a) The cigarette or its packaging bears any reproduction or copy of a trademark, service mark, trade name, label, term, design, or work adopted or used by a manufacturer to identify its own cigarettes; and
  - (b) The cigarette is not manufactured by the owner or holder of that trademark, service mark, trade name, label, term, design, or work, or by any authorized licensee of that person.
- (2) Any person who violates the provisions of this section is guilty of a class C felony which is punishable by up to five years in prison and a fine of up to ten thousand dollars.
- (3) Any person who is convicted of a second or subsequent violation of the provisions of this section is guilty of a class B felony which is punishable by up to ten years in prison and a fine of up to twenty thousand dollars.

**Sec. 7.** RCW 82.24.130 and 1999 c 193 s 3 are each amended to read as follows:

- (1) The following are subject to seizure and forfeiture:
  - (a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; ~~((and))~~ any container or package of cigarettes possessed or held for sale that does not comply with this chapter; and any container or package of cigarettes that is manufactured, sold, or possessed in violation of section 6 of this act.
  - (b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:
    - (i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the

consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler (~~or retailer~~), licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband unless they are manufactured, sold, or possessed in violation of section 6 of this act.

**Sec. 8.** RCW 82.24.250 and 1997 c 420 s 7 are each amended to read as follows:

(1) No person other than: (a) A licensed wholesaler in the wholesaler's own vehicle; or (b) a person who has given notice to the board in advance of the commencement of transportation shall transport or cause to be transported in this state cigarettes not having the stamps affixed to the packages or containers.

(2) When transporting unstamped cigarettes, such persons shall have in their actual possession or cause to have in the actual possession of those persons transporting such cigarettes on their behalf invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported.

(3) If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes in this state.

(4) In the absence of the notice of transportation required by this section or in the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not a person authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

(5) Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

(6) In any case where the department or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the department, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

(7) For purposes of this section, the term "person authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes" means:

(a) A wholesaler (~~or retailer~~), licensed under Washington state law;

(b) The United States or an agency thereof; and

(c) Any person, including an Indian tribal organization, who, after notice has been given to the board as provided in this section, brings or causes to be brought into the state unstamped cigarettes, if within a period of time after receipt of the cigarettes as the department determines by rule to be reasonably necessary for the purpose the person has caused stamps to be affixed in accordance with RCW 82.24.030 or otherwise made payment of the tax required by this chapter in the manner set forth in rules adopted by the department.

(8) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

**Sec. 9.** RCW 82.24.260 and 1995 c 278 s 11 are each amended to read as follows:

(1) Other than:

(a) A (~~person~~) wholesaler required to be licensed under this chapter;

(b) A federal instrumentality with respect to sales to authorized military personnel; or

(c) An Indian tribal organization with respect to sales to enrolled members of the tribe,

a person who is in lawful possession of unstamped cigarettes and who intends to sell or otherwise dispose of the cigarettes shall pay, or satisfy its precollection obligation that is imposed by this chapter, the tax required by this

chapter by remitting the tax or causing stamps to be affixed in the manner provided in rules adopted by the department.

(2) When stamps are required to be affixed, the person may deduct from the tax collected the compensation allowable under this chapter. The remittance or the affixing of stamps shall, in the case of cigarettes obtained in the manner set forth in RCW 82.24.250(7)(c), be made at the same time and manner as required in RCW 82.24.250(7)(c).

(3) This section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by this chapter.

(4) Nothing in this section shall relieve a wholesaler (~~(or a retailer)~~) from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

**Sec. 10.** RCW 82.24.500 and 1986 c 321 s 4 are each amended to read as follows:

No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter. A violation of this section is a (~~(misdemeanor)~~) class C felony."

On page 1, line 2 of the title, after "forfeiture;" strike the remainder of the title and insert "amending RCW 82.24.020, 82.24.030, 82.24.040, 82.24.050, 82.24.110, 82.24.130, 82.24.250, 82.24.260, and 82.24.500; adding a new section to chapter 82.24 RCW; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1943 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1943 as amended by the Senate.

Representative Cairnes spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1943 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1943 as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2007, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the number of unsolicited commercial text messages sent to cellular telephones and pagers is increasing. This practice is raising serious concerns on the part of cellular telephone and pager subscribers. These unsolicited messages often result in costs to the cellular telephone and pager subscribers in that they pay for use when a message is received through their devices. The limited memory of these devices can be exhausted by unwanted text messages resulting in the inability to receive necessary and expected messages.

The legislature intends to limit the practice of sending unsolicited commercial text messages to cellular telephone or pager numbers in Washington.

**Sec. 2.** RCW 19.190.010 and 1999 c 289 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message or a commercial electronic text message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message or the commercial electronic text message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

(3) "Commercial electronic text message" means an electronic text message sent to promote real property, goods, or services for sale or lease.

(4) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((4))~~ (5) "Electronic text message" means a text message sent to a cellular telephone or pager equipped with short message service or any similar capability, whether the message is initiated as a short message service message or as an electronic mail message.

(6) "Initiate the transmission" refers to the action by the original sender of an electronic mail message or an electronic text message, not to the action by any intervening interactive computer service or wireless network that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((5))~~ (7) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((6))~~ (8) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

~~((7))~~ (9) "Person" means a person, corporation, partnership, or association.

**NEW SECTION. Sec. 3.** A new section is added to chapter 19.190 RCW to read as follows:

(1) No person conducting business in the state may initiate or assist in the transmission of an electronic commercial text message to a telephone number assigned to a Washington resident for cellular telephone or pager service that is equipped with short message capability or any similar capability allowing the transmission of text messages.

(2) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.190 RCW to read as follows:

(1) It is not a violation of section 3 of this act if:

(a) The commercial electronic text message is transmitted at the direction of a person offering cellular telephone or pager service to the person's existing subscriber at no cost to the subscriber unless the subscriber has indicated that he or she is not willing to receive further commercial text messages from the person; or

(b) The unsolicited commercial electronic text message is transmitted by a person to a subscriber and the subscriber has clearly and affirmatively consented in advance to receive these text messages.

(2) No person offering cellular or pager service may be held liable for serving merely as an intermediary between the sender and the recipient of a commercial electronic text message sent in violation of this chapter unless the person is assisting in the transmission of the commercial electronic text message.

**Sec. 5.** RCW 19.190.040 and 1998 c 149 s 5 are each amended to read as follows:

(1) Damages to the recipient of a commercial electronic mail message or a commercial electronic text message sent in violation of this chapter are five hundred dollars, or actual damages, whichever is greater.

(2) Damages to an interactive computer service resulting from a violation of this chapter are one thousand dollars, or actual damages, whichever is greater."

On page 1, line 1 of the title, after "messages;" strike the remainder of the title and insert "amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 2007 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2007 as amended by the Senate.

Representative Nixon spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2007 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2007 as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2012, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Research has shown that early, intensive assistance can significantly improve reading and language skills for children who are struggling academically. This early research-based assistance has been successful in reducing the number of children who require specialized programs. However, by being effective in reducing the number of students eligible for these programs, school district funding is reduced.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The special services pilot program is created. The purpose of the program is to encourage participating school districts to provide early intensive reading and language assistance to students who are struggling academically. The goal of such assistance is to effectively address reading and language difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

(2) A maximum of two school districts may participate. Interested districts shall apply no later than May 15, 2003, to the superintendent of public instruction to participate in the pilot program established by this section. The superintendent shall make a decision no later than June 15, 2003, regarding which two school districts may participate in the program.

(3) The pilot program is intended to be four years, to begin in the 2003-04 school year and conclude in the 2006-07 school year, unless the program is extended by the legislature.

(4) School districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds. The separate appropriation shall be calculated as follows:

(a) The school district's estimated state special education funding for the current year based on the school district's average percentage of students age three through twenty-one who were eligible for special education services in the 2001-02 and 2002-03 school years as reported to the office of the superintendent of public instruction;

(b) Less the school district's actual state special education funding based on the district's current percentage of students age three through twenty-one eligible for special education services as reported to the superintendent of public instruction.

(5) Participation in the pilot program shall not increase or decrease a district's ability to access the safety net for high cost students by virtue of the district's participation in this pilot program. Districts participating in this pilot program shall have access to the special education safety net using a modified application approach for the office of the superintendent of public instruction Worksheet A - demonstration of financial need. The superintendent shall create a modified application to include all special education revenues received by the district, all pilot program funding, and include expenditures for students with individual education plans and expenditures for students generating pilot program revenue. Districts participating in this pilot project that seek safety net funding shall convincingly demonstrate to the committee that any change in demonstrated need on the Worksheet A is not attributable to their participation in this pilot project.

(6) School districts participating in the program must agree to:

(a) Implement a tiered set of research-based instructional interventions addressing individual student needs that address reading and language deficits;

(b) Use multiple diagnostic instruments to identify the literacy needs of each student;

(c) Assure parents are informed of diagnosed student needs, and have input into designed interventions;

(d) Actively engage parents as partners in the learning process;

(e) Comply with state special education requirements; and

(f) Participate in an evaluation of the program as determined by the superintendent of public instruction. This may include contributing funds and staff expertise for the design and implementation of the evaluation. Districts shall annually review and report progress, including objective measures or indicators that show the progress towards achieving the purpose and goal of the program, to the office of the superintendent of public instruction.

(7) By December 15, 2006, the superintendent of public instruction shall submit a report to the governor and legislature that summarizes the effectiveness of the pilot program. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

(8) This section expires June 30, 2007.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency."



and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2012 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2012 as amended by the Senate.

Representative Fromhold spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2012 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2012 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2027, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.155.010 and 1993 c 507 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to RCW 70.155.020 through 70.155.130. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) "Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.

(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.

(4) "Minor" refers to an individual who is less than eighteen years old.

- ~~((3))~~ (5) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.
- ~~((4))~~ (6) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.
- ~~((5))~~ (7) "Sampler" means a person engaged in the business of sampling other than a retailer.
- ~~((6))~~ (8) "Sampling" means the distribution of samples to members of the general public in a public place.
- ~~((7))~~ (9) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.
- (10) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.
- (11) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.155 RCW to read as follows:

- (1) It is unlawful for a person who mails, ships, or otherwise delivers cigarettes to fail to:
- (a) Verify the age of the receiver of the cigarettes upon delivery; and
- (b) Obtain in writing, before the first delivery sale of cigarettes, verification of the receiver's address and that the receiver of the cigarettes is not a minor. The statement must also confirm that the purchaser understands: (i) That signing another person's name to the certification is a violation of RCW 9A.60.040(1)(a); (ii) that the sale of cigarettes to a minor is a violation of RCW 26.28.080; (iii) that the purchase of cigarettes by minors is a violation of RCW 70.155.080; and (iv) that he or she has the option to receive mailings from a tobacco company about tobacco products.
- (2) It is unlawful for a person to mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless before the first delivery sale to the consumer that person:
- (a) Either verifies the information contained in the certification provided by the prospective consumer in subsection (1) of this section against a commercially available data base, or obtains a photocopy of an officially issued identification containing the bearer's age, signature, and photograph. The only forms of identification that are acceptable as proof of age for the purchase for tobacco products are: (i) A liquor control authority card of identification issued by a state of the United States or a province of Canada, (ii) a driver's license, instruction permit, or identification card issued by a state of the United States or a province of Canada, (iii) a United States military identification card, (iv) a passport, or (v) a merchant marine identification card issued by the United States coast guard;
- (b) Provides to the prospective consumer through electronic mail or other means a notice that meets the requirements of subsection (3) of this section; and
- (c) In the case of an order for cigarettes pursuant to an advertisement on the internet, receives payment for the delivery sale from the prospective consumer by a credit card or debit card, or by check that has been issued in the prospective consumer's name.
- (3) The notice required under subsection (2)(b) of this section must include:
- (a) A prominent and clearly legible statement that cigarette sales to minors are illegal;
- (b) A prominent and clearly legible statement that consists of one of the warnings set forth in section 4(a)(1) of the federal cigarette labeling and advertising act (15 U.S.C. Sec. 1333(a)(1)) rotated on a quarterly basis;
- (c) A prominent and clearly legible statement that sales of cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with subsection (1) of this section; and
- (d) A prominent and clearly legible statement that cigarette sales are subject to tax pursuant to chapters 82.24 and 82.12 RCW, with an explanation of how the tax has been or is to be paid with respect to a delivery sale.
- (4) It is unlawful for a person who mails, ships, or otherwise delivers cigarettes in connection with a delivery sale to fail to:
- (a) Include as part of the bill of lading, or other shipping documents, a clear and conspicuous statement that states: "Cigarettes: Washington Law Prohibits Shipping to Individuals Under 18, and Requires the Payment of all Applicable Taxes";
- (b) Contract only with private carriers who employ delivery agents who will verify the receiver of the cigarettes is not a minor upon delivery. The only forms of identification that are acceptable as proof of age for the purchase for tobacco products are: (i) A liquor control authority card of identification issued by a state of the United States or a province of Canada, (ii) a driver's license, instruction permit, or identification card issued by a state of the United States or a province of Canada, (iii) a United States military identification card, (iv) a passport, or (v) a merchant marine identification card issued by the United States coast guard;
- (c) Provide to the delivery service retained for the delivery sale evidence of full compliance with this section.
- (5)(a) Before making delivery sales or mailings, shipping, or otherwise delivering cigarettes to a Washington address in connection with any sales, any person who mails, ships, or otherwise delivers cigarettes

shall file with the board a statement setting forth the person's name, trade name, and the address of the person's principal place of business and any other place of business.

(b) Any person who mails, ships, or otherwise delivers cigarettes in connection with a delivery sale shall within fifteen days after the first of each month file with the board a report of all delivery sales made by the person within this state for the preceding month. The report shall show the name and address of the consumer to whom the cigarettes were sold, the kind and quality, and the date of delivery thereof.

(6)(a) Any person other than a delivery service who violates any of the provisions of this section is guilty of a class C felony punishable by up to five years in prison and a fine of ten thousand dollars, and payment of the cost of investigation and prosecution, including attorneys' fees.

(b) Any person other than a delivery service who commits a second or subsequent violation of this section is a class B felony punishable by up to ten years in prison and a fine of twenty thousand dollars, and payment of the cost of investigation and prosecution, including attorneys' fees.

(c) Any delivery service that violates any provision of this section shall be guilty of a gross misdemeanor punishable by up to one year in jail and a fine of five thousand dollars.

(7) Any person that fails to collect or remit to the department of revenue any tax required under chapter 82.24 RCW in connection with a delivery sale shall be assessed, in addition to any other penalty, a penalty of five times the retail value of the cigarettes involved.

(8) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this title, the board or any of its agents may inspect the books, documents, and records of any person who makes delivery sales or mailings, or ships or otherwise delivers cigarettes or retains another person to make delivery sales or mailings, or to ship or otherwise deliver cigarettes insofar as such books, documents, and/or records pertain to the financial transaction involved. If such a person neglects or refuses to produce and submit for inspection any book, record, or document as required by this section when requested to do so by the board or its agent, then the board or the attorney general may seek an order in superior court compelling such production of books, records, or documents.

**Sec. 3.** RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Extortionate extension of credit, as defined in RCW 9A.82.020;

(m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

- (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (r) Leading organized crime, as defined in RCW 9A.82.060;
- (s) Money laundering, as defined in RCW 9A.83.020;
- (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (v) Promoting pornography, as defined in RCW 9.68.140;
- (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
- (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);
- (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
- (ee) Unlawful practice of law, as defined in RCW 2.48.180;
- (ff) Commercial bribery, as defined in RCW 9A.68.060;
- (gg) Health care false claims, as defined in RCW 48.80.030;
- (hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);
- (ii) Improperly obtaining financial information, as defined in RCW 9.35.010; ((~~ee~~))
- (jj) Identity theft, as defined in RCW 9.35.020;
- (kk) Unlawful shipment of cigarettes in violation of section 2(6) (a) or (b) of this act; or
- (ll) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2).

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

**Sec. 4.** RCW 82.24.130 and 1999 c 193 s 3 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; and any container or package of cigarettes possessed or held for sale that does not comply with this chapter.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(d) All cigarettes sold, delivered, or attempted to be delivered in violation of section 2 of this act.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.155.010 and 82.24.130; reenacting and amending RCW 9A.82.010; adding a new section to chapter 70.155 RCW; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 2027 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2027 as amended by the Senate.

Representative Kirby spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2027 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2027 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Hatfield to preside.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) At the time the higher education coordinating board was created in 1985, the legislature wanted a board with a comprehensive mission that included planning, budget and program review authority, and program administration;

(b) Since its creation, the board has achieved numerous accomplishments, including proposals leading to creation of the branch campus system, and has made access and affordability of higher education a consistent priority;

(c) However, higher education in Washington state is currently at a crossroads. Demographic, economic, and technological changes present new and daunting challenges for the state and its institutions of

higher education. As the state looks forward to the future, the legislature, the governor, and institutions need a common strategic vision to guide planning and decision making.

(2) Therefore, it is the legislature's intent to reaffirm and strengthen the strategic planning role of the higher education coordinating board. It is also the legislature's intent to examine options for reassigning or altering other roles and responsibilities to enable the board to place priority and focus on planning and coordination.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies goals and priorities for the system of higher education in Washington state. The board shall also specify strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall develop and establish role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(4) In assessing needs of the state's higher education system, the board may consider and analyze the following information:

- (a) Demographic, social, economic, and technological trends and their impact on service delivery;
- (b) The changing ethnic composition of the population and the special needs arising from those trends;
- (c) Business and industrial needs for a skilled work force;
- (d) College attendance, retention, transfer, and dropout rates;
- (e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; and
- (f) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following:

- (a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet those needs;
- (b) State or regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;
- (c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;
- (d) State or regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;
- (e) Recommended tuition and fees policies and levels; and
- (f) Priorities and recommendations on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, 2003, the board shall submit an interim statewide strategic master plan for higher education to the governor and the legislature. The interim plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the interim plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan.

**Sec. 3.** RCW 28B.80.330 and 1997 c 369 s 10 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the work

force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions:

~~(1) (Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;~~

~~(2) Identify the state's higher education goals, objectives, and priorities;~~

~~(3) Prepare a comprehensive master plan which includes but is not limited to:~~

~~(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled work force; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;~~

~~(b) Recommendations on enrollment and other policies and actions to meet those needs;~~

~~(c) Guidelines for continuing education, adult education, public service, and other higher education programs;~~

~~(d) Mechanisms through which the state's higher education system can meet the needs of employers hiring for industrial projects of statewide significance.~~

~~The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.~~

~~The plan shall be updated every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;~~

~~(4)) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on ((the elements outlined in subsections (1), (2), and (3) of this section, and on)) how the budget requests align with and implement the statewide strategic master plan for higher education under section 2 of this act.~~

~~(a) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities((- These guidelines shall be distributed)) to the institutions and the state board for community and technical colleges ((board by December of each odd-numbered year)). The institutions and the state board for community and technical colleges ((board)) shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1st of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year;~~

~~((5)) (b) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st;~~

~~((6)) (2) Recommend legislation affecting higher education;~~

~~((7) Recommend tuition and fees policies and levels based on comparisons with peer institutions;~~

~~(8) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;~~

~~((9)) (3) Prepare recommendations on merging or closing institutions; and~~

~~((10)) (4) Develop criteria for identifying the need for new baccalaureate institutions.~~

**Sec. 4.** RCW 28B.80.340 and 1985 c 370 s 5 are each amended to read as follows:

(1) The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

((1)) (a) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

((2)) (b) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

((3)) (c) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

((4)) (d) Approve, and adopt guidelines for, higher education centers and consortia;

((5)) (e) Approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges;

((6)) (f) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

((7)) (g) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions.



(2) In performing its responsibilities under this section, the board shall consider, and require institutions to demonstrate, how the proposals align with or implement the statewide strategic master plan for higher education under section 2 of this act. The board shall also develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section.

**Sec. 5.** RCW 28B.80.610 and 1993 c 363 s 2 are each amended to read as follows:

(1) At the local level, the higher education institutional responsibilities include but are not limited to:

(a) Development and provision of strategic plans (~~(under the guidelines established by the higher education coordinating board)~~) that implement the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education under section 2 of this act based on the institution's role and mission. Institutional strategic plans shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;

(b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;

(c) Provision of local student financial aid delivery systems to achieve both statewide goals and institutional objectives in concert with statewide policy; and

(d) Operating as efficiently as feasible within institutional missions and goals.

(2) At the state level, the higher education coordinating board shall be responsible for:

(a) ~~((Delineation and coordination of))~~ Ensuring that strategic plans to be prepared by the institutions are aligned with and implement the statewide strategic master plan for higher education under section 2 of this act and periodically monitoring institutions' progress toward achieving the goals and priorities within their plans;

(b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;

(c) Administration and policy implementation for statewide student financial aid programs; and

(d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.

(3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans, including reporting on the system's progress toward achieving the statewide goals and priorities within its plan, and shall provide any information required of its colleges by the higher education coordinating board.

**Sec. 6.** RCW 28B.50.090 and 1991 c 238 s 33 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under section 2 of this act based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

**NEW SECTION. Sec. 7.** (1) A legislative work group is established to provide guidance for the statewide strategic master plan for higher education and review options pertaining to the higher education coordinating board. The legislative work group shall consist of the members of the house of representatives and

senate higher education and fiscal committees. Cochairs shall be the chair of the senate higher education committee and the chair of the house of representatives higher education committee.

(2) The legislative work group shall:

(a) Define legislative expectations and provide policy direction for the statewide strategic master plan for higher education under section 2 of this act;

(b) Make recommendations for ensuring the coordination of higher education capital and operating budgets with the goals and priorities in the statewide strategic master plan for higher education; and

(c) Examine opportunities to update the roles and responsibilities of the higher education coordinating board, including alternatives for administration of financial aid and other programs; review of institution budget requests; approval of off-campus programs, centers, and consortia; and collection and analysis of data.

(3) The legislative work group shall use legislative facilities and staff from senate committee services and the office of program research.

(4) The legislative work group shall report its findings and recommendations to the legislature by January 2, 2004.

(5) This section expires July 1, 2004."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Hatfield presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2076 as amended by the Senate.

Representative Fromhold spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2076 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076 as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2183, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 57.08.050 and 2000 c 138 s 212 are each amended to read as follows:

(1) All work ordered, the estimated cost of which is in excess of ~~((five))~~ ten thousand dollars, shall be let by contract and competitive bidding. Before awarding any such contract the board of commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of commissioners on or before the day and hour named therein.

Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. The board of commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(2) As an alternative to requirements under subsection (1) of this section, a water-sewer district may let contracts using the small works roster process under RCW 39.04.155.

(3) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of ten thousand dollars, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost of less than fifty thousand dollars shall be made using the process provided in RCW 39.04.190. Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section.

(4) The board may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work."

In line 1 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 57.08.050."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 2183 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Hatfield presiding) stated the question before the House to be final passage of House Bill No. 2183 as amended by the Senate.

Representatives Ericksen and Romero spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2183 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused

- 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 2183 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2202, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.16 RCW to read as follows:

A cosmetology apprenticeship pilot program is hereby created.

(1) An advisory committee is created that may consist of representatives from individuals and businesses licensed under chapter 18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory board members; department of labor and industries; department of licensing; United States department of labor apprenticeship; and other interested parties.

(a) The advisory committee shall meet to review progress of the cosmetology apprenticeship pilot program.

(b) The department of labor and industries apprenticeship council shall coordinate the activities of the advisory committee. The advisory committee shall issue annual reports on the progress of the apprenticeship program to interested parties and shall issue a final report regarding the outcome of the apprenticeship program to be presented to the appropriate committees of the house of representatives and senate by December 31, 2005.

(2) Up to twenty salons approved by the department of labor and industries apprenticeship council may participate in the apprenticeship program. The participating salons shall proportionately represent the geographic diversity of Washington state, including rural and urban areas, and salons located in both eastern and western Washington.

(3) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(4) The cosmetology apprenticeship pilot program expires July 1, 2006.

**Sec. 2.** RCW 18.16.020 and 2002 c 111 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprenticeship program" means an apprenticeship pilot program approved under section 1 of this act for the practice of cosmetology, barbering, esthetics, and manicuring, which expires July 1, 2006.

(2) "Apprentice" means a person engaged in a state-approved apprenticeship program and who may receive a wage or compensation while engaged in the program.

(3) "Department" means the department of licensing.

~~((2))~~ (4) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.

~~((3))~~ (5) "Director" means the director of the department of licensing or the director's designee.

~~((4))~~ (6) "The practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and

feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

~~((5))~~ (7) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

~~((6))~~ (8) "The practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

~~((7))~~ (9) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

~~((8))~~ (10) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

~~((9))~~ (11) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

~~((10))~~ (12) "Practice of esthetics" means care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person.

~~((11))~~ (13) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

~~((12))~~ (14) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, barber, manicurist, or esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

~~((13))~~ (15) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, barbering, esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

~~((14))~~ (16) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

~~((15))~~ (17) "Instructor" means a person who gives instruction in a school in a curriculum in which he or she holds a license under this chapter, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school in a curriculum in which he or she holds a license under this chapter.

~~((16))~~ (18) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

~~((17))~~ (19) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified by the advisory committee as established by the department of labor and industries apprenticeship council.

~~((18))~~ (20) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

~~((19))~~ (21) "Approved security" means surety bond.

~~((20))~~ (22) "Personal services" means a location licensed under this chapter where the practice of cosmetology, barbering, manicuring, or esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

~~((21))~~ (23) "Individual license" means a cosmetology, barber, manicurist, esthetician, or instructor license issued under this chapter.

~~((22))~~ (24) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

~~((23))~~ (25) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

~~((24))~~ (26) "Curriculum" means the courses of study taught at a school, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ten percent, that could include hours a student receives while training

in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

- (a) Cosmetologist, one thousand six hundred hours;
- (b) Barber, one thousand hours;
- (c) Manicurist, six hundred hours;
- (d) Esthetician, six hundred hours;
- (e) Instructor-trainee, five hundred hours.

~~((25))~~ (27) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

**Sec. 3.** RCW 18.16.070 and 1984 c 208 s 4 are each amended to read as follows:

This chapter shall not apply to persons licensed under other laws of this state who are performing services within their authorized scope of practice and shall not be construed to require a license for students enrolled in a school or an apprentice engaged in a state- approved apprenticeship program as defined in RCW 18.16.020.

**Sec. 4.** RCW 18.16.090 and 2002 c 111 s 6 are each amended to read as follows:

Examinations for licensure under this chapter shall be conducted at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practices and may also include the applicant's knowledge of this chapter and rules adopted pursuant to this chapter. The director may establish by rule a performance examination in addition to any other examination. The director shall establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations. The director may allow an independent person to conduct the examinations at the expense of the applicants.

The director shall take steps to ensure that after completion of the required course or apprenticeship program, applicants may promptly take the examination and receive the results of the examination.

**Sec. 5.** RCW 18.16.100 and 2002 c 111 s 7 are each amended to read as follows:

(1) Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate license to any person who:

- (a) Is at least seventeen years of age or older;
- (b)(i) Has completed and graduated from a school licensed under this chapter in a curriculum approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, six hundred hours of training in manicuring, six hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee, or has met the requirements in RCW 18.16.020 or 18.16.130; or  
(ii) Has successfully completed a state-approved apprenticeship training program; and
- (c) Has received a passing grade on the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course.

(3) Upon completion of an application approved by the department, certification of insurance, and payment of the proper fee, the director shall issue a location license to the applicant.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training, apprenticeship, and examination requirements.

NEW SECTION. **Sec. 6.** This act takes effect September 15, 2003."

On page 1, line 1 of the title, after "apprenticeship;" strike the remainder of the title and insert "amending RCW 18.16.020, 18.16.070, 18.16.090, and 18.16.100; adding a new section to chapter 18.16 RCW; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 2202 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Hatfield presiding) stated the question before the House to be final passage of Substitute House Bill No. 2202 as amended by the Senate.

Representative McDonald spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2202 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Cooper - 1.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2202 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the extreme dangers present when the safety of our citizens requires first responders such as police and fire fighters to evacuate and secure a building. In an effort to prepare for responding to unintended disasters, criminal acts, and acts of terrorism, the legislature intends to create a statewide first responder building mapping information system that will provide all first responders with the information they need to be successful when disaster strikes. The first responder building mapping system in this act is to be developed for a limited and specific purpose and is in no way to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington Association of Sheriffs and Police Chiefs shall create and operate a statewide first responder building mapping information system.

(2) All state agencies and local governments must utilize building mapping software that complies with the building mapping software standards established under section 3 of this act for any building mapped for this purpose after the statewide first responder building mapping information system is operational. If, prior to creation of the statewide building mapping information system, a local government has utilized building mapping software standards established under section 3 of this act, the local government may continue to use its own building mapping system unless the Washington association of sheriffs and police chiefs provides funding to bring the local government's system in compliance with the standards established under section 3 of this act.

(3) All state and local government-owned buildings that are occupied by state or local government employees must be mapped when funding is provided by the Washington association of sheriffs and police chiefs, or from other sources. Nothing in this act requires any state agency or local government to map a building unless the entire cost of mapping the building is provided by the Washington association of sheriffs and police chiefs, or from other sources.



(4) Once the statewide first responder building mapping information system is operational, all state and local government buildings that are mapped must forward their building mapping information data to the Washington association of sheriffs and police chiefs. All participating privately, federally, and tribally owned buildings may voluntarily forward their mapping and emergency information data to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs may refuse any building mapping information that does not comply with the specifications described in section 3 of this act.

(5) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall electronically make the building mapping information available to all state, local, federal, and tribal law enforcement agencies, the military department of Washington state, and fire departments.

(6) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall develop building mapping software standards that must be used to participate in the statewide first responder building mapping information system.

(7) The Washington association of sheriffs and police chiefs shall pursue federal funds to:

(a) Create the statewide first responder building mapping information system; and

(b) Develop grants for the mapping of all state and local government buildings in the order determined under section 3 of this act.

(8) All tactical and intelligence information provided to the Washington association of sheriffs and police chiefs under this act is exempt from public disclosure as provided in RCW 42.17.310(1)(d).

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs in consultation with the Washington state emergency management office, the Washington association of county officials, the Washington association of cities, the information services board, the Washington state fire chiefs' association, and the Washington state patrol shall convene a committee to establish guidelines related to the statewide first responder building mapping information system. The committee shall have the following responsibilities:

(a) Develop the type of information to be included in the statewide first responder building mapping information system. The information shall include, but is not limited to: Floor plans, fire protection information, evacuation plans, utility information, known hazards, and text and digital images showing emergency personnel contact information;

(b) Develop building mapping software standards that must be utilized by all entities participating in the statewide first responder building mapping information system;

(c) Determine the order in which buildings shall be mapped when funding is received;

(d) Develop guidelines on how the information shall be made available. These guidelines shall include detailed procedures and security systems to ensure that the information is only made available to the government entity that either owns the building or is responding to an incident at the building;

(e) Recommend training guidelines regarding using the statewide first responder building mapping information system to the criminal justice training commission and the Washington state patrol fire protection bureau.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of state agencies and local governments to control and maintain access to information within their independent systems.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.28A RCW to read as follows:

Units of local government and their employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the creation and use of the statewide first responder building mapping information system, unless it is shown that an employee acted with gross negligence or bad faith."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "adding new sections to chapter 36.28A RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1218 as amended by the Senate.

Representative Lovick spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1218 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218 as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1619, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.5055 and 1999 c 324 s 5, 1999 c 274 s 6, and 1999 c 5 s 1 are each reenacted and amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is

suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers (~~at the time of the offense~~).

~~((5))~~ (6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

~~((6))~~ (7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years.

For purposes of this subsection, the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

~~((7))~~ (8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

~~((8))~~ (9)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of

confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((9))~~ (10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

~~((10))~~ (11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

~~((11))~~ (12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense."

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "reenacting and amending RCW 46.61.5055; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate Amendment to HOUSE BILL NO. 1619 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Hatfield presiding) stated the question before the House to be final passage of House Bill No. 1619 as amended by the Senate.

Representative Lovick spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1619 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1619 as amended by the Senate, having received the constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

HB 2275 by Representatives Mastin and Dunshee

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, and 79A.15.080; reenacting and amending RCW 43.84.092; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; and providing an effective date.

Referred to Committee on Capital Budget.

SSB 5181 by Senate Committee on Ways & Means (originally sponsored by Senators Benton, Mulliken, Eide, McCaslin, T. Sheldon and Esser)

AN ACT Relating to extending the expiration date on the tax credit for software companies in rural counties; amending RCW 82.04.4456; and providing an expiration date.

Referred to Committee on Finance.

SSB 5401 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Poulsen, Rossi, Fairley and Winsley; by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045 and 46.09.170; amending 2003 c ... (ESSB 5404) s 518 (uncodified); reenacting and amending RCW 43.135.045; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5402 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Poulsen and Fairley; by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5423 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Kohl-Welles, Roach, Rasmussen, Mulliken, T. Sheldon and Oke)

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Finance.

SSB 5908 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)

AN ACT Relating to capital construction of and bonding for facilities for institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Capital Budget.

SSB 6049 by Senate Committee on Ways & Means (originally sponsored by Senator Zarelli)

AN ACT Relating to the stewardship and preservation of state college and university facilities; amending RCW 43.88.032; adding a new chapter to Title 28B RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

SB 6056 by Senators Haugen and Horn

AN ACT Relating to fees, taxes, and penalties for pilots and aircraft; amending RCW 47.68.233, 47.68.234, 47.68.240, 47.68.250, and 82.42.020; repealing RCW 82.42.025; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6059 by Senator Oke; by request of Office of Financial Management

AN ACT Relating to teachers' cost-of-living increases; and amending RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468.

Referred to Committee on Appropriations.

SSB 6073 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rossi and Doumit)

AN ACT Relating to authorizing the increase of shellfish license fees to fund shellfish biotoxin testing and monitoring; adding a new section to chapter 77.32 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

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

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

There being no objection, the House adjourned until 10:00 a.m., April 22, 2003, the 100<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

NINETY NINTH DAY, APRIL 21, 2003

---



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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ONE HUNDREDTH DAY**

---

House Chamber, Olympia, Tuesday, April 22, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carlianne Shelton and Ryan McNamee. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Rex Niblack, Rainier Chapel, Rainier.

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

**MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5011,  
SENATE BILL NO. 5042,  
SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5133,  
SUBSTITUTE SENATE BILL NO. 5218,  
SUBSTITUTE SENATE BILL NO. 5237,  
ENGROSSED SENATE BILL NO. 5245,  
SUBSTITUTE SENATE BILL NO. 5305,  
SUBSTITUTE SENATE BILL NO. 5327,  
ENGROSSED SENATE BILL NO. 5343,  
ENGROSSED SENATE BILL NO. 5379,  
SUBSTITUTE SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5473,  
SUBSTITUTE SENATE BILL NO. 5579,  
SUBSTITUTE SENATE BILL NO. 5592,  
SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5602,  
SECOND SUBSTITUTE SENATE BILL NO. 5694,  
SUBSTITUTE SENATE BILL NO. 5716,  
SUBSTITUTE SENATE BILL NO. 5749,  
SUBSTITUTE SENATE BILL NO. 5751,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5811,  
SUBSTITUTE SENATE BILL NO. 5829,  
SENATE BILL NO. 5865,  
SENATE JOINT MEMORIAL NO. 8000,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"2003-05 BIENNIUM**

**NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2005.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.

(b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

(3) Reappropriations are limited to the unexpended balances remaining on June 30, 2003, from the 2001-03 biennial appropriations, or for the amount indicated on the appropriate capital project list dated March 31, 2003, for each project.

**GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION  
UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$293,000

**NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION  
MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation \$412,000

**NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION  
STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$822,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE  
DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation \$315,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--  
CAPITAL PROJECTS**

WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the Beacon Rock state park entrance road project. Any of the appropriations not expended by June 30, 2005, shall revert to the motor vehicle account--state.

### **TRANSPORTATION AGENCIES--OPERATING**

#### **NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation \$1,649,000  
Highway Safety Account--Federal Appropriation \$15,744,000  
School Zone Safety Account--State Appropriation \$3,059,000  
TOTAL APPROPRIATION \$20,452,000

The appropriations in this section are subject to the following conditions and limitations:

The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(1) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(2) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(3) The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(g) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(h) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.50.100 and must be processed in the same manner as parking violations; and

(i) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

#### **NEW SECTION. Sec. 202. FOR THE LOCAL BOARDS COORDINATED PROGRAM LOCAL BOARDS COORDINATED PROGRAM**

Rural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation \$1,927,000  
Urban Arterial Trust Account--State Appropriation \$1,611,000  
Transportation Improvement Account--State Appropriation \$1,620,000  
County Arterial Preservation Account--State Appropriation \$719,000  
TOTAL APPROPRIATION \$6,646,000

The appropriations in this section are subject to the following conditions and limitations: The executive director of the local boards coordinated program is encouraged to contract with the Washington state department of transportation, highways and local programs division, for maintenance administrative review and endangered species act training services. Contract costs shall be paid only from expenditure savings realized from efficiencies produced by the combining of the staff for the transportation improvement board and the county road administration board.

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation \$769,000  
Motor Vehicle Account--State Appropriation \$1,927,000  
County Arterial Preservation Account--State Appropriation \$719,000  
TOTAL APPROPRIATION \$3,415,000

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$1,611,000  
Transportation Improvement Account--State Appropriation \$1,620,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 205. FOR THE BOARD OF PILOTAGE COMMISSIONERS**  
BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$272,000

**NEW SECTION. Sec. 206. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**  
LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$2,374,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No funding is provided for the staffing, administration and operations of the house of representatives transportation committee. Existing staff of the transportation committee shall be transferred to the house of representatives in the office of program research. All tangible and intangible property that has been acquired by, or allocated for use by the house of representatives transportation committee and its staff, including but not limited to office space and equipment, information systems technology, and employer-related assets, rights, privileges, and liabilities shall be transferred to the house of representatives. Any property acquired by, or allocated for use by the senate transportation committee and its staff shall be transferred to the senate.

(2) \$1,600,000 of the motor vehicle state appropriation in this section is provided for the purposes of (a) and (b) of this subsection:

(a)(i) If Substitute Senate Bill No. 5748 becomes law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments as provided in Substitute Senate Bill No. 5748; and

(ii) If Substitute Senate Bill No. 5748 does not become law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments paid for and ordered by the executive committee of the legislative transportation committee, pursuant to a recommendation of the transportation performance audit board hereby created. The transportation performance audit board shall consist of the majority and minority leaders of the transportation committees of the legislature, five citizen members with transportation-related expertise who shall be nominated by professional associations chosen by the board's legislative members and appointed by the governor, the legislative auditor as an ex officio member, and one at-large member appointed by the governor. The citizen members may not currently, or within one year of their appointment, be employed by the Washington state department of transportation, and shall include:

(A) One member with expertise in construction project planning, including permitting and assuring regulatory compliance;

(B) One member with expertise in construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(C) One member with expertise in construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(D) One member with expertise in project management, including design estimating, contract packaging, and procurement; and

(E) One member with expertise in transportation planning and congestion management.

(b) Within the amount provided in this subsection, the joint legislative audit and review committee shall contract with the legislative transportation committee to conduct a targeted performance audit of the Washington state patrol. For this performance audit, the joint legislative audit and review committee shall put its highest priority on the following topics: (i) An assessment of the types and categories of services, including a contrast of public highway policing and general policing services provided by the patrol, and the organizational structures used to deliver these services; (ii) an evaluation of the patrol's fiscal policies and procedures, including a differentiation between transportation and general fund expenditures; and (iii) an evaluation of the linkages among expenditures, organizational structures, service delivery, accountability, and outcomes. The joint legislative audit and review committee shall provide a progress report to the appropriate committees of the legislature by December 31, 2003, and a final report, including findings and recommendations, by September 30, 2004.

(3)(a) The legislative transportation committee and the transportation commission shall establish a joint work group to develop a work plan for the 2003 legislative interim for the purpose of recommending revisions to the statewide transportation plan under RCW 47.01.071. The work group shall at a minimum develop recommendations that:

(i) Propose changes to chapter 47.06 RCW, regarding statewide transportation planning;

(ii) Propose changes to chapter 47.05 RCW, regarding priority programming for highway development;

(iii) Improve the needs analysis process in RCW 47.05.030;

(iv) Integrate the needs analysis process in RCW 47.05.030 and the benchmark measures of RCW 47.01.012 (section 101, chapter 5, Laws of 2002); and

(v) Develop guidelines for regional transportation planning organizations to incorporate state policies into long-range transportation plans.

(b) The work group shall submit its recommendations under this subsection to the legislature and the governor by December 1, 2003.

(4) The legislative transportation committee shall establish a joint work group with the transportation commission and a representative of the office of financial management to develop a revised budgeting format for the omnibus transportation budgets adopted by the legislature. The revised format should help improve understanding and communication of legislative policies and priorities, as reflected in the budget document. The work group shall submit its recommendations to the legislative transportation committee by December 1, 2003.

(5) The legislative transportation committee and the transportation commission shall establish a joint work group to define and designate highways of statewide significance under RCW 47.06.140. The work group shall consider the minimum criteria for designation of highways of statewide significance as provided under RCW 47.05.021(3). The work group shall submit its recommendations to the legislature by December 1, 2003.

(6) The legislative transportation committee and the transportation commission shall establish a joint work group to plan for the implementation in 2005 of the Personnel System Reform Act of 2002 (chapter 354, Laws of 2002), as it relates to transportation agencies. The work group shall submit its recommendations to the legislative transportation committee by December 1, 2004.

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**  
**TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation \$807,000

The appropriation in this section is subject to the following conditions and limitations: Sufficient funds are provided to implement Substitute Senate Bill No. 5987.

**NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT**  
**BOARD**

**FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation \$616,000

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS**  
**BUREAU**

**WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation \$171,527,000

State Patrol Highway Account--Federal Appropriation \$6,167,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

**TOTAL APPROPRIATION \$177,869,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in authorized off-duty uniformed employment are authorized to use state patrol vehicles for the purposes of that authorized employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in off-duty employment. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$1,700,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001. Vessel and terminal security troopers shall board vessels at random, and conduct commercial vehicle inspections and explosive detection dog handler patrols.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

**WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

State Patrol Highway Account--State Appropriation \$71,799,000

State Patrol Highway Account--Private/Local Appropriation \$1,290,000

**TOTAL APPROPRIATION \$73,089,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,895,000 of the state patrol highway account--state appropriation in this section is provided solely for the purchase of 923 mobile radios. Before June 30, 2005, the patrol shall install in all of its highway law enforcement and pursuit vehicles the mobile radios funded in this subsection.

(2) Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

(3) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT SERVICES**

**DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation \$7,000

Motorcycle Safety Education Account--State Appropriation \$94,000

Wildlife Account--State Appropriation \$80,000

Highway Safety Account--State Appropriation \$8,718,000

Motor Vehicle Account--Local Appropriation \$86,000

Motor Vehicle Account--State Appropriation \$4,925,000

Motor Vehicle Account--Federal Appropriation \$19,000

DOL Services Account--State Appropriation \$139,000

**TOTAL APPROPRIATION \$14,068,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$10,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(3) \$67,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING-- INFORMATION SERVICES**

**DEPARTMENT OF LICENSING--INFORMATION SERVICES**

Marine Fuel Tax Refund Account--State Appropriation \$2,000  
Motorcycle Safety Education Account--State Appropriation \$159,000  
Wildlife Account--State Appropriation \$64,000  
Highway Safety Account--State Appropriation \$11,394,000  
Highway Safety Account--Federal Appropriation \$6,000  
Motor Vehicle Account--Local Appropriation \$61,000  
Motor Vehicle Account--State Appropriation \$7,087,000  
Motor Vehicle Account--Federal Appropriation \$13,000  
DOL Services Account--State Appropriation \$773,000  
TOTAL APPROPRIATION \$19,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$7,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(3) \$48,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

**DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--State Appropriation \$60,000  
Wildlife Account--State Appropriation \$585,000  
Motor Vehicle Account--Local Appropriation \$1,225,000  
Motor Vehicle Account--State Appropriation \$61,932,000  
Motor Vehicle Account--Federal Appropriation \$568,000  
DOL Services Account--State Appropriation \$3,596,000  
TOTAL APPROPRIATION \$67,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$90,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$2,901,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065. Within the amount provided, the department shall fund the implementation of a digital license plate system including the purchase of digital license plate printing equipment for correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. By December 1, 2003, the department and correctional industries shall submit a report to the transportation committees of the legislature detailing the digital license plate printing system implementation plan. By January 1, 2005, the department and correctional industries shall submit a report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

**DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--State Appropriation \$2,576,000  
Highway Safety Account--State Appropriation \$85,487,000  
Highway Safety Account--Federal Appropriation \$204,000

TOTAL APPROPRIATION \$88,267,000

The appropriations in this section are subject to the following conditions and limitations: \$178,000 of the highway safety account-- state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--  
INFORMATION TECHNOLOGY--PROGRAM C**

DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation \$58,661,000

Motor Vehicle Account--Federal Appropriation \$5,163,000

Puget Sound Ferry Operations Account--State Appropriation \$6,508,000

Multimodal Transportation Account--State Appropriation \$363,000

TOTAL APPROPRIATION \$70,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.

(2)(a) \$2,150,000 of the motor vehicle account--state appropriation and \$2,150,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$400,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. \$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY  
MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING  
DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND  
CONSTRUCTION--PROGRAM D**

Motor Vehicle Account--State Appropriation \$31,048,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--  
PROGRAM F**

DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$5,107,000

Aeronautics Account--Federal Appropriation \$650,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$282,000

TOTAL APPROPRIATION \$6,039,000

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account-- state appropriation is provided solely for additional preservation grants to airports. \$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities. If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM  
DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**



DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--  
PROGRAM H

Motor Vehicle Account--State Appropriation \$49,010,000  
Motor Vehicle Account--Federal Appropriation \$400,000  
TOTAL APPROPRIATION \$49,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in section 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K**

DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K  
Motor Vehicle Account--State Appropriation \$1,011,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M**

DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M  
Motor Vehicle Account--State Appropriation \$283,350,000  
Motor Vehicle Account--Federal Appropriation \$1,426,000  
Motor Vehicle Account--Private/Local Appropriation \$4,253,000  
TOTAL APPROPRIATION \$289,029,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING  
Motor Vehicle Account--State Appropriation \$42,696,000  
Motor Vehicle Account--Private/Local Appropriation \$125,000  
TOTAL APPROPRIATION \$42,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto,

insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$8,227,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**  
DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--  
PROGRAM S

Motor Vehicle Account--State Appropriation \$24,852,000  
Motor Vehicle Account--Federal Appropriation \$636,000  
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000  
Multimodal Transportation Account--State Appropriation \$973,000  
TOTAL APPROPRIATION \$27,554,000

The appropriations in this section are subject to the following conditions and limitations: \$627,000 of the motor vehicle account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**  
DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--  
PROGRAM T

Motor Vehicle Account--State Appropriation \$31,564,000  
Motor Vehicle Account--Federal Appropriation \$14,814,000  
Multimodal Transportation Account--State Appropriation \$1,021,000  
Multimodal Transportation Account--Federal Appropriation \$2,000,000  
TOTAL APPROPRIATION \$49,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound, Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 209(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 209(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES  
FROM OTHER AGENCIES--PROGRAM U**

DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation \$61,082,000

The appropriation in this section is subject to the following conditions and limitations:

Payments in this section represent charges from other state agencies to the department of transportation.

- (1) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES \$989,000
- (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$823,000
- (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000
- (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL \$2,252,000
- (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$50,799,000
- (6) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000
- (7) FOR ARCHIVES AND RECORDS MANAGEMENT \$523,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM V**

DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V  
 Multimodal Transportation Account--State Appropriation \$23,548,000  
 Multimodal Transportation Account--Federal Appropriation \$2,574,000  
 Multimodal Transportation Account--Private/Local Appropriation \$155,000  
 TOTAL APPROPRIATION \$26,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital purposes and the operating costs directly associated with those capital purposes. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The amount over thirty percent will be prorated to the remaining transit agencies based on the above demand response service and route deviated service expenditures. The department of transportation shall notify the state treasurer of the amounts to be distributed.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228. In administering grants, the department shall give priority to programs providing the greatest reduction in trips and commute miles and to the level of contribution of the public agency, nonprofit organization, developer, and property manager to achieving those reductions. The department shall act to insure, to the extent possible, that grants are distributed equitably among each eligible type of recipient.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served by transit agencies through a competitive grant process.

(4) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for public transit agencies. The grant program will cover capital costs only; no operating costs are eligible for funding under this grant program. Only grants that add vanpools are eligible, no supplanting of transit funds currently funding vanpools is allowed. Additional criteria for selecting grants will include leveraging funds other than state funds.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE-- PROGRAM X**

DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X  
 Puget Sound Ferry Operations Account--State Appropriation \$308,521,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$34,038,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$203,583,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(5) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long- term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL-- PROGRAM Y--OPERATING**

DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation \$35,075,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,831,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--OPERATING**

DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation \$6,555,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION \$9,124,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation \$2,775,000

The appropriation in this section is subject to the following conditions and limitations: \$626,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 302. FOR THE LOCAL BOARDS COORDINATED PROGRAM**  
**LOCAL BOARDS COORDINATED PROGRAM**

Rural Arterial Trust Account--State Appropriation \$61,660,000  
Motor Vehicle Account--State Appropriation \$362,000  
Urban Arterial Trust Account--State Appropriation \$99,241,000  
Transportation Improvement Account--State Appropriation \$98,455,000  
County Arterial Preservation Account--State Appropriation \$28,747,000  
TOTAL APPROPRIATION \$288,465,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$362,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).  
(2) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$61,660,000  
Motor Vehicle Account--State Appropriation \$362,000  
County Arterial Preservation Account--State Appropriation \$28,747,000  
TOTAL APPROPRIATION \$90,769,000

The appropriations in this section are subject to the following conditions and limitations: \$362,000 of the motor vehicle account-- state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).

**NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
**TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation \$99,241,000  
Transportation Improvement Account--State Appropriation \$98,455,000  
TOTAL APPROPRIATION \$197,696,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account-- state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL DEPARTMENT OF TRANSPORTATION--PROGRAM D--CAPITAL**

Motor Vehicle Account--State Appropriation \$17,651,000

The appropriation in this section is subject to the following conditions and limitations: \$14,933,000 of the motor vehicle account-- state appropriation is provided solely to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Facilities Projects report as transmitted to LEAP on April 17, 2003.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY CONSTRUCTION**  
**DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION**

Motor Vehicle Account--State Appropriation \$332,049,000  
Motor Vehicle Account--Federal Appropriation \$649,506,000  
Motor Vehicle Account--Local Appropriation \$26,001,000  
Multimodal Transportation Account--State Appropriation \$6,000,000  
Multimodal Transportation Account--Federal Appropriation \$4,247,000  
Special Category C Account--State Appropriation \$50,279,000

Tacoma Narrows Toll Bridge Account Appropriation \$613,300,000  
Transportation 2003 Account (Nickel Account)--State Appropriation \$563,386,000  
Transportation 2003 Account (nickel account)--Local Appropriation \$3,584,000  
TOTAL APPROPRIATION \$2,248,352,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Of the amounts appropriated in this section, \$411,643,000 is provided solely for program I to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(2) Of the amounts appropriated in this section, \$656,439,000 is provided for program P to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(3) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - New Law Highway Projects report transmitted to LEAP on April 17, 2003.

(a)(i) The legislature intends that this appropriation completes the project-level environmental impact statement to a record of decision for the corridor between Spokane Street and the Battery Street Tunnel. The environmental impact statement is to include alternatives that maintain or expand auto and truck carrying capacity in the project corridor. Alternatives that do not meet or increase existing capacity will not be eligible for future project funding from the state. Alternatives that reduce traffic capacity must examine alternative improvements to provide increased north-south capacity, including I-5 and I-405. The environmental impact statement is to include an alternative for rebuilding and/or retrofitting the existing Alaskan Way Viaduct. The legislative transportation committee shall be consulted and shall approve the preferred alternative for this project prior to any additional funding being expended on this project.

(ii) The legislature intends this appropriation to allow for the purchase of property adjacent to the existing Alaskan Way Viaduct. This property will be used in the interim as a remote ferry holding area, and later for construction staging of the viaduct project.

(b) The legislature intends that this appropriation completes the project-level environmental impact statement to a record of decision for the corridor between Seattle and Redmond. The environmental impact statement is to include an analysis of an eight-lane alternative. The legislative transportation committee shall be consulted and shall approve the preferred alternative for this project prior to future project expenditures.

(c) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under this subsection ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(4) The entire Tacoma Narrows toll bridge account appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - Current Law Tacoma Narrows Bridge report transmitted to LEAP on April 17, 2003.

(5)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

(A) Ability to carry long-haul freight;

(B) Ability to provide for passenger auto travel;

(C) Freight rail;

(D) Passenger rail;

(E) Public utilities; and

(F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(6) Of the amounts appropriated in this section, \$342,956,000 is provided solely for the projects expected to be completed before June 30, 2005, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(7) Of the amounts appropriated in this section, \$203,074,000 is provided for the projects expected to be completed before June 30, 2007, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(8) Of the amounts appropriated in this section, \$408,230,000 is provided for the projects expected to be completed after June 30, 2007, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(9) Of the amounts appropriated in this section, \$80,897,000 is provided for the direct project support and other administration as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(10) Of the amounts appropriated in this section, \$32,425,000 is provided for the emerging needs, projects without construction, and future unidentified needs as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(11) The motor vehicle account--state appropriation includes \$155,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(12) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(13) The transportation account (nickel account) appropriation includes \$280,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(14) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$46,300,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(15) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

(16) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

(17) To manage some projects more efficiently, federal funds may be transferred from program Z to program I or P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(18) Amounts appropriated in this section include the reappropriations for the cost underruns indicated by the department on March 1, 2003. Should the actual underruns on June 30, 2003, be higher, the department shall request additional appropriation authority in the 2004 legislative session. Should the actual underruns on June 30, 2003, be lower, the appropriations in this section shall be lowered by the difference between the amounts indicated on March 1, 2003, and the actual amounts on June 30, 2003.

(19) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(20) Of the amounts appropriated in this section, \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(21) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(22) The department of transportation may not operate any existing high-occupancy vehicle lanes and may not open or operate any new high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon unless: (a) Vehicle spaces at park and ride lots within the county are three times the capacity in existence on the effective date of this act; (b) the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes; and (c) the department of transportation determines that high-occupancy vehicle lanes will improve travel time by at least eight minutes over the length of the high-occupancy vehicle lanes.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

**DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

**Motor Vehicle Account--State Appropriation \$11,688,000**

Motor Vehicle Account--Federal Appropriation \$14,510,000  
Multimodal Transportation Account--State Appropriation \$3,000,000  
TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

(2) \$3,000,000 of the multimodal transportation account--state appropriation and \$2,180,000 of the motor vehicle account--state appropriation are provided solely to complete weigh in motion and commercial vehicle information systems and network projects at the following sites: SeaTac I-5 north bound; Everett I-5 south bound; SeaTac I-5 south bound; Kelso I-5 south bound; and Plymouth Port of Entry.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--  
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W  
DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--  
PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation \$129,066,000  
Puget Sound Capital Construction Account--Federal Appropriation \$34,400,000  
Transportation 2003 Account (nickel account) Appropriation \$17,521,000  
TOTAL APPROPRIATION \$180,987,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,066,000 of the Puget Sound capital construction account-- state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Senate 2003 Transportation Project List - Current Law Ferries Capital as transmitted to the LEAP on April 17, 2003.

(2) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Senate 2003 Transportation Project List - New Law Ferries Capital as transmitted to the LEAP on April 17, 2003.

(3) The Puget Sound capital construction account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--  
PROGRAM Y--CAPITAL  
DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation \$770,000  
Multimodal Transportation Account--State Appropriation \$35,530,000  
Multimodal Transportation Account--Federal Appropriation \$9,499,000  
Washington Fruit Express Account--State Appropriation \$500,000  
TOTAL APPROPRIATION \$46,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account-- federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Senate 2003 Transportation Project List - Current Law Rail Capital as transmitted to the LEAP on April 17, 2003.

(2) \$2,000,000 of the multimodal transportation account--state appropriation must be placed in reserve status by the office of financial management. The department shall submit a report to the legislative transportation committee identifying the location for a new transload facility which must be at either Wenatchee or Quincy. The funds must be released upon legislative transportation committee approval of the report submitted by the department.



(3) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Senate 2003 Transportation Project List - New Law Rail Capital as transmitted to the LEAP on April 17, 2003.

(4) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(5) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

**DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation \$207,000

Highway Infrastructure Account--Federal Appropriation \$1,602,000

Motor Vehicle Account--State Appropriation \$28,425,000

Multimodal Transportation Account--State Appropriation \$13,726,000

**TOTAL APPROPRIATION \$43,960,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 17, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) \$1,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) \$4,010,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND**

**SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

**STATE TREASURER--BOND RETIREMENT AND INTEREST**

Highway Bond Retirement Account Appropriation \$258,971,000  
Ferry Bond Retirement Account Appropriation \$43,340,000  
Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000  
Motor Vehicle Account--State Appropriation \$3,876,000  
Special Category C Account--State Appropriation \$331,000  
Transportation Improvement Account--State Appropriation \$240,000  
Transportation 2003 Account (nickel account) Appropriation \$2,100,000  
TOTAL APPROPRIATION \$345,579,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

**STATE TREASURER--BOND RETIREMENT AND INTEREST**

Motor Vehicle Account--State Appropriation \$1,293,000  
Special Category C Account Appropriation \$111,000  
Transportation Improvement Account--State Appropriation \$5,000  
Transportation 2003 Account (nickel account)--State Appropriation \$700,000  
TOTAL APPROPRIATION \$2,109,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

**STATE TREASURER--BOND RETIREMENT AND INTEREST**

(1) Motor Vehicle Account--State Reappropriation:  
For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:  
For transfer to the Puget Sound capital construction account \$45,000,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$441,359,000

Motor Vehicle Account--State Appropriation: For license permit and fee distributions to cities and counties \$51,652,000

**NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS STATE TREASURER--TRANSFERS**

(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$15,000,000

(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers \$465,152,000

(3) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSFERS DEPARTMENT OF TRANSPORTATION--TRANSFERS**

- (1) Motor Vehicle Account--State Appropriation:  
For transfer to Puget Sound Ferry Operations Account \$21,757,000
- (2) RV Account--State Appropriation:  
For transfer to the Motor Vehicle Account--State \$1,954,000
- (3) Motor Vehicle Account--State Appropriation:  
For transfer to Puget Sound Capital Construction Account \$64,287,000
- (4) Puget Sound Ferry Operations Account--State Appropriation:  
For transfer to Puget Sound Capital Construction Account \$22,000,000

The transfers identified in this section are subject to the following conditions and limitations:

- (a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.
- (b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.
- (c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
TRANSFERS DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

State Patrol Highway Account: For transfer to the department of retirement systems expense account:  
For the administrative expenses of the judicial retirement system \$223,304

**NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS  
OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS AND  
EMPLOYEE HEALTH BENEFITS**

Pilotage Account--State Appropriation \$2,000  
Aeronautics Account--State Appropriation \$12,000  
State Patrol Highway Account--State Appropriation \$2,044,000  
State Patrol Highway Account--Federal Appropriation \$34,000  
State Patrol Highway Account--Local Appropriation \$10,000  
Motorcycle Safety Education Account--State Appropriation \$2,000  
Rural Arterial Trust Account--State Appropriation \$4,000  
Highway Safety Account--State Appropriation \$634,000  
Highway Safety Account--Federal Appropriation \$19,000  
Motor Vehicle Account--State Appropriation \$2,770,000  
Puget Sound Ferry Operations Account--State Appropriation \$1,556,000  
Urban Arterial Trust Account--State Appropriation \$8,000  
Transportation Improvement Account--State Appropriation \$3,000  
County Arterial Preservation Account--State Appropriation \$5,000  
Department of Licensing Services Account--State Appropriation \$3,000  
TOTAL APPROPRIATION \$7,106,000

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--TRANSFERS  
STATE TREASURER--TRANSFERS**

License Plate Technology Account: For transfer to the motor vehicle account--state:  
For the implementation of House Bill No. 2065 \$3,016,000

**NEW SECTION. Sec. 410. STATUTORY APPROPRIATIONS.  
STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 411.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway

construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

## 2001-03 BIENNIUM

### TRANSPORTATION AGENCIES

**Sec. 1201.** 2002 c 359 s 205 (uncodified) is amended to read as follows:  
**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**  
LEGISLATIVE TRANSPORTATION COMMITTEE  
Motor Vehicle Account--State Appropriation \$3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.120(3).

(4) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

~~((4))~~ (5) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

~~((5))~~ (6) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

~~((6))~~ (7) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

(a) The costs and benefits of providing such services;

(b) The impact of such service on ridership on the areawide system and on any regional systems;

(c) Funding options for supplemental services; and

(d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

~~((7))~~ (8) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

~~((8))~~ (9) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review

special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

~~((9))~~ (10) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

**Sec. 1202.** 2002 c 359 s 207 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**  
**WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account-- State Appropriation ( <del>(\$164,147,000)</del> )	<u>\$163,915,000</u>
State Patrol Highway Account--Federal Appropriation ( <del>(\$7,278,000)</del> )	<u>\$7,544,000</u>
State Patrol Highway Account--Private/Local Appropriation ( <del>(\$169,000)</del> )	<u>\$282,000</u>
<b>TOTAL APPROPRIATION (<del>(\$171,594,000)</del>)</b>	<u><b>\$171,741,000</b></u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers- Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

**Sec. 1203.** 2002 c 359 s 208 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**  
**WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Multimodal Transportation Account--State Appropriation \$5,247,000	
State Patrol Highway Account--State Appropriation ( <del>(\$71,736,000)</del> )	<u>\$71,731,000</u>
State Patrol Highway Account--Private/Local Appropriation \$735,000	
<b>TOTAL APPROPRIATION (<del>(\$77,718,000)</del>)</b>	<u><b>\$77,713,000</b></u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

**Sec. 1204.** 2002 c 359 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**  
**DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State Appropriation	\$3,000	
Motorcycle Safety Education Account--State Appropriation	\$88,000	
Wildlife Account--State Appropriation	\$81,000	
Highway Safety Account--State Appropriation	<del>(\$7,724,000)</del>	<u>\$7,763,000</u>
Highway Safety Account--Federal Appropriation	\$55,000	
Motor Vehicle Account--State Appropriation	<del>(\$4,400,000)</del>	<u>\$4,415,000</u>
Licensing Services Account--State Appropriation	\$173,000	
TOTAL APPROPRIATION	<del>(\$12,524,000)</del>	<u>\$12,578,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1205.** 2002 c 359 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**  
**DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Marine Fuel Tax Refund Account--State Appropriation	\$2,000	
Motorcycle Safety Education Account--State Appropriation	\$13,000	
Wildlife Account--State Appropriation	\$34,000	
Highway Safety Account--State Appropriation	<del>(\$5,735,000)</del>	<u>\$5,763,000</u>
Highway Safety Account--Federal Appropriation	\$31,000	
Motor Vehicle Account--State Appropriation	<del>(\$3,695,000)</del>	<u>\$3,707,000</u>
Licensing Services Account--State Appropriation	<del>(\$213,000)</del>	<u>\$214,000</u>
TOTAL APPROPRIATION	<del>(\$9,723,000)</del>	<u>\$9,764,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1206.** 2002 c 359 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$26,000

Wildlife Account--State Appropriation \$578,000

Motor Vehicle Account--State Appropriation (~~(\$58,191,000)~~)

\$58,479,000

Licensing Services Account--State Appropriation \$4,240,000

TOTAL APPROPRIATION (~~(\$63,035,000)~~)

\$63,323,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1207.** 2002 c 359 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,573,000

Highway Safety Account--State Appropriation (~~(\$82,175,000)~~)

\$82,667,000

Highway Safety Account--Federal Appropriation (~~(\$788,000)~~)

\$824,000

TOTAL APPROPRIATION (~~(\$85,536,000)~~)

\$86,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1208.** 2002 c 359 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

**DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation (~~(\$5,349,000)~~)

\$4,967,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION (~~(\$5,509,000)~~)

\$5,127,000

**Sec. 1209.** 2002 c 359 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U Payments in this section represent charges from other state agencies to the department of transportation.

**(1) FOR PAYMENT OF WASHINGTON STATE FERRIES TORT LIABILITY AND SETTLEMENTS**

Motor Vehicle Account--State Appropriation \$5,626,000

~~((+))~~ **(2) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES**

Motor Vehicle Account--State Appropriation \$464,000

Puget Sound Ferry Operations--State Appropriation \$154,000

~~((=))~~ **(3) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR**

Motor Vehicle Account--State Appropriation \$713,000

~~((=))~~ **(4) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES**

Motor Vehicle Account--State Appropriation \$4,047,000

~~((+))~~ **(5) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL**

Motor Vehicle Account--State Appropriation \$2,237,000

~~((=))~~ **(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION**

Motor Vehicle Account--State Appropriation \$28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

**(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Motor Vehicle Account--State Appropriation \$251,000

**(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE**

Motor Vehicle Account--State Appropriation \$1,547,000



(8) FOR ARCHIVES AND RECORDS MANAGEMENT  
Motor Vehicle Account--State Appropriation \$457,000  
TOTAL APPROPRIATION (~~(\$42,829,000)~~)

\$48,455,000

**Sec. 1210.** 2002 c 359 s 226 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X  
Puget Sound Ferry Operations Account--State Appropriation (~~(\$311,312,000)~~)

\$313,250,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of (~~(\$35,159,000)~~) \$35,797,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

#### **TRANSPORTATION AGENCIES CAPITAL FACILITIES**

**Sec. 1301.** 2001 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
**DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation ((~~\$13,046,000~~)) \$12,371,000

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1401.** 2002 c 359 s 401 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**  
STATE TREASURER--BOND RETIREMENT AND INTEREST

Highway Bond Retirement Account Appropriation ((~~\$208,206,000~~)) \$196,524,000

Ferry Bond Retirement Account Appropriation ((~~\$52,473,000~~)) \$52,474,000

Transportation Improvement Board Bond Retirement Account--State Appropriation ((~~\$40,856,000~~)) \$38,088,000

Motor Vehicle Account--State Appropriation ((~~\$4,588,000~~)) \$3,136,000

Special Category C Account--State Appropriation ((~~\$631,000~~)) \$114,000

Transportation Improvement Account--State Appropriation ((~~\$340,000~~)) \$76,000

TOTAL APPROPRIATION ((~~\$307,094,000~~)) \$290,412,000

**Sec. 1402.** 2002 c 359 s 402 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

STATE TREASURER--BOND RETIREMENT AND INTEREST

Motor Vehicle Account--State Appropriation ((~~\$459,000~~)) \$334,000

Special Category C Account Appropriation ((~~\$41,000~~)) \$18,000

Transportation Improvement Account--State Appropriation \$34,000

TOTAL APPROPRIATION ((~~\$534,000~~)) \$386,000

**Sec. 1403.** 2002 c 359 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((~~\$428,981,000~~)) \$425,501,000

Motor Vehicle Account Appropriation for motor vehicle license, permit, and fee distributions to cities and counties \$56,304,000

**Sec. 1404.** 2002 c 359 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**  
STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--State ((~~\$1,344,000~~)) \$542,000

The department of transportation shall only transfer funds provided under this subsection ((~~(1) of this section~~)) on an as-needed basis.

(2) ((~~Public Transportation Systems Account--State Appropriation: For transfer to the~~))

Multimodal Transportation Account--State \$1,911,000

~~((3))~~ State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$48,657,000

~~((4))~~ (3) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers (~~(\$453,279,000)~~)

\$448,264,000

~~((6))~~ (4) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$1,500,000

~~((7))~~ (5) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$20,000,000

~~((8))~~ (6) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account (~~(\$839,000,000)~~)

\$39,000,000

~~((9))~~ (7) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$5,000,000

~~((4))~~ If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.

~~((2) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.)~~

NEW SECTION. Sec. 1405. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**  
**STATE TREASURER--MVFT BONDS AND TRANSFERS**

Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$800,000,000

The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

#### **PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. Sec. 1501. A new section is added to chapter 43.79 RCW to read as follows:

The state patrol nonappropriated airplane revolving account is created in the custody of the state treasurer. All receipts from aircraft user fees paid by other agencies and private users as reimbursement for the use of the patrol's aircraft that are primarily for purposes other than highway patrol must be deposited into the account. Expenditures from the account may be used only for expenses related to these aircraft. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 1502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1503. Sections 1201 through 1405 of this act take effect immediately, and the remainder of this act takes effect July 1, 2003. However, sections 202 and 302 of this act only take effect if Substitute Senate Bill No. 5527 is enacted by June 30, 2003, and sections 203, 204, 303, and 304 of this act only take effect if Substitute Senate Bill No. 5527 is not enacted by June 30, 2003.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2002 c 359 ss 205, 207, 208, 210, 211, 212, 213, 215, 223, 226, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); adding a new section to chapter 43.79 RCW; adding a new section to 2001 2nd sp.s. c 14 (uncodified); creating new sections; making appropriations and

authorizing expenditures for capital improvements; providing an effective date; and providing a contingent effective date."

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163 and asked the Senate for a conference thereon.

**APPOINTMENT OF CONFEREES**

The Speaker (Representative Lovick presiding) appointed Representatives Murray, Kessler and Ericksen as conferees on Engrossed Substitute House Bill No. 1163.

**SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"PART I - LICENSE FEES**

**Sec. 101.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, motor home, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	37.00	37.00
\$	\$	
6,000 lbs.	44.00	44.00
\$	\$	
8,000 lbs.	55.00	55.00
\$	\$	
10,000 lbs.	62.00	62.00
\$	\$	
<del>((12,000 lbs.</del>	<del>72.00</del>	<del>72.00</del>
\$	\$	
<del>14,000 lbs.</del>	<del>82.00</del>	<del>82.00</del>
\$	\$	
<del>16,000 lbs.</del>	<del>92.00</del>	<del>92.00</del>
\$	\$	
<del>18,000 lbs.</del>	<del>137.00</del>	<del>137.00</del>
\$	\$	

20,000 lbs.		152.00		152.00
	\$		\$	
22,000 lbs.		164.00		164.00
	\$		\$	
24,000 lbs.		177.00		177.00
	\$		\$	
26,000 lbs.		187.00		187.00
	\$		\$	
28,000 lbs.		220.00		220.00
	\$		\$	
30,000 lbs.		253.00		253.00
	\$		\$	
32,000 lbs.		304.00		304.00
	\$		\$	
34,000 lbs.		323.00		323.00
	\$		\$	
36,000 lbs.		350.00		350.00
	\$		\$	
38,000 lbs.		384.00		384.00
	\$		\$	
40,000 lbs.		439.00		439.00
	\$		\$	
42,000 lbs.		456.00		546.00
	\$		\$	
44,000 lbs.		466.00		556.00
	\$		\$	
46,000 lbs.		501.00		591.00
	\$		\$	
48,000 lbs.		522.00		612.00
	\$		\$	
50,000 lbs.		566.00		656.00
	\$		\$	
52,000 lbs.		595.00		685.00
	\$		\$	

54,000 lbs.	\$	642.00	\$	732.00
56,000 lbs.	\$	677.00	\$	767.00
58,000 lbs.	\$	704.00	\$	794.00
60,000 lbs.	\$	750.00	\$	840.00
62,000 lbs.	\$	804.00	\$	894.00
64,000 lbs.	\$	822.00	\$	912.00
66,000 lbs.	\$	915.00	\$	1,005.00
68,000 lbs.	\$	954.00	\$	1,044.00
70,000 lbs.	\$	1,027.00	\$	1,117.00
72,000 lbs.	\$	1,098.00	\$	1,188.00
74,000 lbs.	\$	1,193.00	\$	1,283.00
76,000 lbs.	\$	1,289.00	\$	1,379.00
78,000 lbs.	\$	1,407.00	\$	1,497.00
80,000 lbs.	\$	1,518.00	\$	1,608.00
82,000 lbs.	\$	1,623.00	\$	1,713.00
84,000 lbs.	\$	1,728.00	\$	1,818.00
86,000 lbs.	\$	1,833.00	\$	1,923.00

<del>88,000 lbs.</del>	<del>\$</del>	<del>1,938.00</del>	<del>\$</del>	<del>2,028.00</del>
<del>90,000 lbs.</del>	<del>\$</del>	<del>2,043.00</del>	<del>\$</del>	<del>2,133.00</del>
<del>92,000 lbs.</del>	<del>\$</del>	<del>2,148.00</del>	<del>\$</del>	<del>2,238.00</del>
<del>94,000 lbs.</del>	<del>\$</del>	<del>2,253.00</del>	<del>\$</del>	<del>2,343.00</del>
<del>96,000 lbs.</del>	<del>\$</del>	<del>2,358.00</del>	<del>\$</del>	<del>2,448.00</del>
<del>98,000 lbs.</del>	<del>\$</del>	<del>2,463.00</del>	<del>\$</del>	<del>2,553.00</del>
<del>100,000 lbs.</del>	<del>\$</del>	<del>2,568.00</del>	<del>\$</del>	<del>2,658.00</del>
<del>102,000 lbs.</del>	<del>\$</del>	<del>2,673.00</del>	<del>\$</del>	<del>2,763.00</del>
<del>104,000 lbs.</del>	<del>\$</del>	<del>2,778.00</del>	<del>\$</del>	<del>2,868.00</del>
<del>105,500 lbs.</del>	<del>\$</del>	<del>2,883.00</del>	<del>\$</del>	<del>2,973.00))</del>
<u>12,000 lbs.</u>	<u>\$</u>	<u>79.00</u>	<u>\$</u>	<u>79.00</u>
<u>14,000 lbs.</u>	<u>\$</u>	<u>90.00</u>	<u>\$</u>	<u>90.00</u>
<u>16,000 lbs.</u>	<u>\$</u>	<u>102.00</u>	<u>\$</u>	<u>102.00</u>
<u>18,000 lbs.</u>	<u>\$</u>	<u>154.00</u>	<u>\$</u>	<u>154.00</u>
<u>20,000 lbs.</u>	<u>\$</u>	<u>171.00</u>	<u>\$</u>	<u>171.00</u>
<u>22,000 lbs.</u>	<u>\$</u>	<u>185.00</u>	<u>\$</u>	<u>185.00</u>
<u>24,000 lbs.</u>	<u>\$</u>	<u>200.00</u>	<u>\$</u>	<u>200.00</u>

<u>26,000 lbs.</u>	\$	<u>211.00</u>	\$	<u>211.00</u>
<u>28,000 lbs.</u>	\$	<u>249.00</u>	\$	<u>249.00</u>
<u>30,000 lbs.</u>	\$	<u>287.00</u>	\$	<u>287.00</u>
<u>32,000 lbs.</u>	\$	<u>346.00</u>	\$	<u>346.00</u>
<u>34,000 lbs.</u>	\$	<u>368.00</u>	\$	<u>368.00</u>
<u>36,000 lbs.</u>	\$	<u>399.00</u>	\$	<u>399.00</u>
<u>38,000 lbs.</u>	\$	<u>438.00</u>	\$	<u>438.00</u>
<u>40,000 lbs.</u>	\$	<u>501.00</u>	\$	<u>501.00</u>
<u>42,000 lbs.</u>	\$	<u>521.00</u>	\$	<u>611.00</u>
<u>44,000 lbs.</u>	\$	<u>532.00</u>	\$	<u>622.00</u>
<u>46,000 lbs.</u>	\$	<u>572.00</u>	\$	<u>662.00</u>
<u>48,000 lbs.</u>	\$	<u>596.00</u>	\$	<u>686.00</u>
<u>50,000 lbs.</u>	\$	<u>647.00</u>	\$	<u>737.00</u>
<u>52,000 lbs.</u>	\$	<u>680.00</u>	\$	<u>770.00</u>
<u>54,000 lbs.</u>	\$	<u>734.00</u>	\$	<u>824.00</u>
<u>56,000 lbs.</u>	\$	<u>775.00</u>	\$	<u>865.00</u>
<u>58,000 lbs.</u>	\$	<u>806.00</u>	\$	<u>896.00</u>



<u>60,000 lbs.</u>		<u>859.00</u>	<u>949.00</u>
	\$		\$
<u>62,000 lbs.</u>		<u>921.00</u>	<u>1,011.00</u>
	\$		\$
<u>64,000 lbs.</u>		<u>941.00</u>	<u>1,031.00</u>
	\$		\$
<u>66,000 lbs.</u>		<u>1,048.00</u>	<u>1,138.00</u>
	\$		\$
<u>68,000 lbs.</u>		<u>1,093.00</u>	<u>1,183.00</u>
	\$		\$
<u>70,000 lbs.</u>		<u>1,177.00</u>	<u>1,267.00</u>
	\$		\$
<u>72,000 lbs.</u>		<u>1,259.00</u>	<u>1,349.00</u>
	\$		\$
<u>74,000 lbs.</u>		<u>1,368.00</u>	<u>1,458.00</u>
	\$		\$
<u>76,000 lbs.</u>		<u>1,478.00</u>	<u>1,568.00</u>
	\$		\$
<u>78,000 lbs.</u>		<u>1,614.00</u>	<u>1,704.00</u>
	\$		\$
<u>80,000 lbs.</u>		<u>1,742.00</u>	<u>1,832.00</u>
	\$		\$
<u>82,000 lbs.</u>		<u>1,863.00</u>	<u>1,953.00</u>
	\$		\$
<u>84,000 lbs.</u>		<u>1,983.00</u>	<u>2,073.00</u>
	\$		\$
<u>86,000 lbs.</u>		<u>2,104.00</u>	<u>2,194.00</u>
	\$		\$
<u>88,000 lbs.</u>		<u>2,225.00</u>	<u>2,315.00</u>
	\$		\$
<u>90,000 lbs.</u>		<u>2,346.00</u>	<u>2,436.00</u>
	\$		\$
<u>92,000 lbs.</u>		<u>2,466.00</u>	<u>2,556.00</u>
	\$		\$

<u>94,000 lbs.</u>	<u>2,587.00</u>	<u>2,677.00</u>
\$	\$	
<u>96,000 lbs.</u>	<u>2,708.00</u>	<u>2,798.00</u>
\$	\$	
<u>98,000 lbs.</u>	<u>2,829.00</u>	<u>2,919.00</u>
\$	\$	
<u>100,000 lbs.</u>	<u>2,949.00</u>	<u>3,039.00</u>
\$	\$	
<u>102,000 lbs.</u>	<u>3,070.00</u>	<u>3,160.00</u>
\$	\$	
<u>104,000 lbs.</u>	<u>3,191.00</u>	<u>3,281.00</u>
\$	\$	
<u>105,500 lbs.</u>	<u>3,312.00</u>	<u>3,402.00</u>
\$	\$	

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 102.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((23.677))~~ 21.434 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((1.524))~~ 1.368 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; ~~((and))~~

(c) 11.771 percent shall be deposited into the transportation 2003 account; and

(d) The remaining proceeds shall be deposited into the motor vehicle fund.

## PART II - SALES AND USE TAX

**Sec. 201.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (6) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 202.** RCW 82.12.020 and 2003 c 5 (EHB 1977) s 2 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property or service taxable under RCW 82.04.050(2)(a) or (3)(a) purchased at retail or acquired by lease, gift, or bailment if the sale to, or the use by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his bailor or donor.

(4) Except as provided in this section, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters. If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; or in respect to the use of property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961, the tax imposed by this chapter does not apply.

(5) The tax shall be levied and collected in an amount equal to the value of the article used or value of the service used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

**Sec. 203.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~(him)~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the

convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

**Sec. 204.** RCW 82.08.064 and 2000 c 104 s 3 are each amended to read as follows:

(1) A sales and use tax rate change under this chapter or chapter 82.12 RCW shall be imposed ~~((+))~~ (a) no sooner than seventy-five days after its enactment into law and ~~((2))~~ (b) only on the first day of January, April, July, or October.

(2) Subsection (1) of this section does not apply to the tax rate change in section 201 of this act.

### **PART III - MOTOR AND SPECIAL FUEL TAXES**

**Sec. 301.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

**Sec. 302.** RCW 82.38.030 and 2002 c 183 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~((computed in the manner provided in RCW 82.36.025 on each))~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) ~~((The tax))~~ Taxes are imposed ~~((by subsection (1) of this section is imposed))~~ when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

- (i) The entry is by bulk transfer and the importer is not a licensee; or
- (ii) The entry is not by bulk transfer;
- (d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;
- (e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;
- (f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;
- (g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;
- (h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and
- (i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer- terminal system.

~~((3))~~ (4) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 303.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (4)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((e))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (i) Accident experience;
- (ii) Fatal accident experience;
- (iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((f))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((h))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) One hundred percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account.

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 304.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(~~((f))~~) (2)(g) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(2)(g) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(~~((f))~~) (2)(g) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**Sec. 305.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~((2)(a))~~) (3)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~((2)(b))~~) (3)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~((2)(c))~~) (3)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~((2)(d))~~) (3)(d).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2)(f))~~ (3)(f).

**Sec. 306.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((4))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 307.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on ~~((the))~~ a tax rate ~~((in effect January 1, 1990))~~ of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

~~((a))~~ (i) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

~~((i))~~ (A) Not more than five percent may be expended for information programs under this chapter;

~~((ii))~~ (B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

~~((iii))~~ (C) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

~~((iv))~~ (D) Not more than fifty percent may be expended for nonhighway road recreation facilities;

~~((v))~~ (E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV recreation facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~((d)(i))~~ (e)(iv)(A) of this subsection;

~~((b))~~ (ii) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

~~((c))~~ (iii) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

~~((d))~~ (iv) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~((i))~~ (A) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

~~((ii))~~ (B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

~~((iii))~~ (C) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 308.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and ~~((the))~~ a fuel tax rate ~~((in effect January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle

fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter.

**Sec. 309.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing ~~((the))~~ a motor vehicle fuel tax rate ~~((under RCW 82.36.025 in effect on January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, to the recreation resource account and the remainder to the motor vehicle fund.

#### **PART IV - ACCOUNT CREATION**

**NEW SECTION. Sec. 401.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation 2003 account is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) The "nickel account" means the transportation 2003 account.

**Sec. 402.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and 2002 c 56 s 402 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance



premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

## PART V - MISCELLANEOUS

NEW SECTION. **Sec. 501.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 502.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 503.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and sections 201 through 402 of this act take effect July 1, 2003, and sections 101 and 102 of this act take effect August 1, 2003.

NEW SECTION. **Sec. 504.** Section 101 of this act is effective with registrations that are due or will become due August 1, 2003, and thereafter."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 46.16.070, 46.68.035, 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035, 82.38.047, 46.09.170, 46.10.170, and 79A.25.070; reenacting and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding a new section to chapter 46.68 RCW; creating new sections; providing effective dates; and declaring an emergency."

There being no objection, the House refused to concur in the Senate amendment to Engrossed Substitute House Bill No. 2231 and asked the Senate for a conference thereon.

### APPOINTMENT OF CONFEREES

The Speaker (Representative Lovick presiding) appointed Representatives Murray, Kessler and Ericksen as conferees on Engrossed Substitute House Bill No. 2231.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1100, with the following amendments

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 20.01.010 and 1991 c 174 s 1 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Director" means the director of agriculture or ~~(his)~~ a duly authorized representative.
- (2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.
- (3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, grass seed, lawn seed, turf seed, forage seed, cereal seed, oil seed, fiber seed, forb seed, flower seed, and other kinds of crop seed commonly recognized within this state as agricultural seed or vegetable seed, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock.
- (4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.
- (5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.
- (6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.
- (7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.
- (8) "Limited dealer" means any person ~~((operating))~~ who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product and who operates under the alternative bonding provision in RCW 20.01.211.
- (9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.
- (10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, credit card, or bankdraft may be used for the

payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

(22) "Licensee" means any person or business licensed under this chapter as a commission merchant, dealer, limited dealer, broker, cash buyer, or agent.

**Sec. 2.** RCW 20.01.130 and 1993 sp.s. c 24 s 929 are each amended to read as follows:

All fees and other moneys received by the department under ~~((the provisions of))~~ this chapter shall be paid to the director and ~~((shall be))~~ used solely for the purpose of carrying out ~~((the provisions of))~~ this chapter and the rules adopted ~~((hereunder or for departmental administrative expenses during the 1993-95 biennium))~~ under this chapter. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

**Sec. 3.** RCW 20.01.140 and 1959 c 139 s 14 are each amended to read as follows:

Any change in the organization of any firm, association, exchange, corporation, or partnership licensed under ~~((the provisions of))~~ this chapter shall be reported to the director and the licensee's surety or sureties within thirty days.

**Sec. 4.** RCW 20.01.211 and 1983 c 305 s 5 are each amended to read as follows:

(1) In lieu of the bonding provision required by RCW 20.01.210, any dealer who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to the dealer's maximum monthly purchases, divided by ~~((fifteen))~~ twelve, but the minimum bond ~~((provided by))~~ under this section shall be ((in a minimum of seven thousand five hundred)) no less than ten thousand dollars.

(2) Any dealer using the bonding provisions of this section shall file an affidavit with the director that sets forth the dealer's maximum monthly purchases from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

(3) Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

**Sec. 5.** RCW 20.01.240 and 1986 c 178 s 12 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section,))~~ Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. ((Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

~~((2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.))~~

~~((2) In the case of a claim against the bond of a commission merchant or dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw or at a date agreed to by both the consignor and commission merchant or dealer in written contract. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw.~~

~~((3) Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.~~

~~((4) For claims against a bond that have been filed by consignors prior to the sixty-day deadline established in RCW 20.01.250, the director shall investigate the claims and, within thirty days of verifying the claims, demand payment for the valid claims by the licensee's surety. The director shall distribute the proceeds of the valid bond claims to the claimants on a pro rata basis within the limits of the claims and the availability of the bond proceeds. If a claim is filed after the sixty-day deadline established in RCW 20.01.250, the director may investigate the claim and may demand payment for a valid claim. The director shall distribute the proceeds of any such payment made by the surety to the claimant on a first-to-file, first-to-be-paid basis within the limits of the claim and the availability of any bond proceeds remaining after the pro rata distribution. All distributions made by the director under this subsection are subject to RCW 20.01.260.~~

**Sec. 6.** RCW 20.01.320 and 1959 c 139 s 32 are each amended to read as follows:

The director on his or her own motion or upon the verified complaint of any interested party may investigate, examine, or inspect (1) any transaction involving solicitation, receipt, sale, or attempted sale of agricultural products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; (2) the failure to make proper and true account of sales and settlement thereof as required under this chapter ((and/or)) or rules ((and regulations)) adopted ((hereunder)) under this chapter; (3) the

intentional making of false statements as to conditions and quantity of any agricultural products received or in storage; (4) the intentional making of false statements as to market conditions; (5) the failure to make payment for products within the time required by this chapter; (6) any and all other injurious transactions. In furtherance of ~~((any))~~ such an investigation, examination, or inspection, the director or ~~((his))~~ an authorized representative~~((s))~~ may examine that portion of the ledgers, books, accounts, memoranda and other documents, agricultural products, scales, measures, and other articles and things used in connection with the business of ~~((such))~~ the person relating to the transactions involved. For the purpose of ~~((such))~~ the investigation the director shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage, and transportation facilities or any other place where agricultural products are kept, stored, handled, or transported. If the director is denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises and records. The court may upon the application issue the search warrant for the purposes requested. The director may also, for the purpose of ~~((such))~~ the investigation, issue subpoenas to compel the attendance of witnesses, as provided in RCW 20.01.170, ~~((and/or))~~ or the production of books or documents, anywhere in the state.

**Sec. 7.** RCW 20.01.410 and 1971 ex.s. c 182 s 12 are each amended to read as follows:

(1) A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to a commission merchant from the consignor thereof when prescribed by the director. A bill of lading may be carried in lieu of a manifest of cargo for an agricultural product other than hay or straw.

(2) Except as provided in subsection (3) of this section, the commission merchant, dealer, or cash buyer of agricultural products shall issue a copy of ~~((such))~~ the manifest or bill of lading to the consignor of ~~((such))~~ the agricultural products and the original shall be retained by the licensee for a period of ~~((one))~~ three years during which time it shall be surrendered upon request to the director. ~~((Such))~~ The manifest of cargo ~~((shall be))~~ is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of ~~((such))~~ the agricultural products.

(3) The commission merchant or dealer of hay or straw shall issue a copy of a manifest to the consignor. The original copy shall be retained by the commission merchant or dealer for a period of three years during which time it shall be surrendered upon request to the director. The manifest of cargo is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of hay or straw.

(4) Manifest forms will be provided to licensees at the actual cost for the manifests plus necessary handling costs incurred by the department.

**Sec. 8.** RCW 20.01.460 and 1989 c 354 s 43 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) With the intent to defraud the consignor, fails to comply with the requirements set forth under RCW 20.01.010(10), 20.01.390, or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410, or 20.01.610 has committed a civil infraction.

(4) Unlawful issuance of a check or draft may be prosecuted under RCW 9A.56.060.

**Sec. 9.** RCW 20.01.490 and 1986 c 178 s 5 are each amended to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed ~~((one))~~ five thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

**Sec. 10.** RCW 20.01.610 and 1986 c 178 s 14 are each amended to read as follows:

The director or ~~((his))~~ appointed officers may stop a vehicle transporting ~~((hay or straw))~~ agricultural products upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may

be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so has committed a civil infraction.

The director and appointed officers shall work to ensure that vehicles carrying perishable agricultural products are detained no longer than is absolutely necessary for a prompt assessment of compliance with this chapter. If a vehicle carrying perishable agricultural products is found to be in violation of this chapter, the director or appointed officers shall promptly issue necessary notices of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and shall allow the vehicle to continue toward its destination without further delay.

**NEW SECTION. Sec. 11.** The department of agriculture shall study the subject of establishing an indemnity fund to provide financial recovery for producers of agricultural seeds, including those who produce the seeds under bailment contracts, in cases where the producers are not paid in full for the sale of their seeds or are not paid in full under bailment contracts for producing the seeds. The examination shall include an identification of potential means of providing moneys for such an indemnity fund and how the costs of providing and maintaining such a fund would be borne. The department shall establish an advisory committee composed of representatives of growers of and dealers in the types of agricultural seeds grown in this state to assist it in the study. If general agreement among the members of the advisory committee and the department cannot be reached regarding establishing such a fund, the department and the committee shall examine alternative means of providing such financial recovery for producers of agricultural seeds.

The department shall report the recommendations resulting from the study, including any recommended legislation in bill form, to the governor and to the appropriate committees of the legislature by December 1, 2003."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.320, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1100 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1108, with the following amendments

On page 1, after line 18, insert the following:

"**Sec. 2.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)



Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others  
(RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW  
9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or  
cocaine (except when the offender has a criminal history in this  
state or any other state that includes a sex offense or serious  
violent offense or the Washington equivalent) (RCW  
69.50.401(a)(1)(i))

Sending, bringing into state depictions of minor engaged in  
sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW  
9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW  
9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW  
46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)



Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Harming a Police or Accelerant Detection Dog or Police Horse (RCW 9A.76.200)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS  
LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)  
XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

## VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)



Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of

credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040,  
10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,  
26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW  
9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle  
(RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death)  
(RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW  
9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with  
disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))



Escape from Community Custody (RCW 72.09.310)

Harming a Police or Accelerant Detection Dog or Police Horse  
(RCW 9A.76.200)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at  
one thousand five hundred dollars or more) (RCW  
9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW  
18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW  
I 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW  
9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at  
two hundred fifty dollars or more but less than one thousand  
five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 4.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
--	----------------------------	--

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B +
---	-----------------------	-----

B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +
D +	Reckless Endangerment (9A.36.050)	E
C +	Promoting Suicide Attempt (9A.36.060)	D +
D +	Coercion (9A.36.070)	E
C +	Custodial Assault (9A.36.100)	D +

**Burglary and Trespass**

B +	Burglary 1 (9A.52.020)	C +
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D

D	Vehicle Prowling 2 (9A.52.100)	E
<b>Drugs</b>		
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

	Theft of Firearm (9A.56.300)	C
B		
	Possession of Stolen Firearm (9A.56.310)	C
B		
	Carrying Loaded Pistol Without Permit (9.41.050)	E
E		
	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
C		
	Possession of Dangerous Weapon (9.41.250)	E
D +		
	Intimidating Another Person by use of Weapon (9.41.270)	E
D		

### **Homicide**

	Murder 1 (9A.32.030)	A
A +		
	Murder 2 (9A.32.050)	B +
A +		
	Manslaughter 1 (9A.32.060)	C +
B +		
	Manslaughter 2 (9A.32.070)	D +
C +		
	Vehicular Homicide (46.61.520)	C +
B +		

### **Kidnapping**

	Kidnap 1 (9A.40.020)	B +
A		

B + Kidnap 2 (9A.40.030) C +

C + Unlawful Imprisonment (9A.40.040) D +

**Obstructing Governmental Operation**

D Obstructing a Law Enforcement Officer (9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1 (9A.76.140) C

C Introducing Contraband 2 (9A.76.150) D

E Introducing Contraband 3 (9A.76.160) E

B + Intimidating a Public Servant (9A.76.180) C +

B + Intimidating a Witness (9A.72.110) C +

C+ Harming a Police or Accelerant Detection Dog or Police Horse (9A.76.200) C

**Public Disturbance**

C + Riot with Weapon (9A.84.010) D +

D + Riot Without Weapon (9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

### Sex Crimes

	Rape 1 (9A.44.040)	B +
A		
	Rape 2 (9A.44.050)	B +
A-		
	Rape 3 (9A.44.060)	D +
C +		
	Rape of a Child 1 (9A.44.073)	B +
A-		
	Rape of a Child 2 (9A.44.076)	C +
B +		
	Incest 1 (9A.64.020(1))	C
B		
	Incest 2 (9A.64.020(2))	D
C		
	Indecent Exposure (Victim < 14) (9A.88.010)	E
D +		
	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
E		
	Promoting Prostitution 1 (9A.88.070)	C +
B +		
	Promoting Prostitution 2 (9A.88.080)	D +
C +		
	O & A (Prostitution) (9A.88.030)	E
E		
	Indecent Liberties (9A.44.100)	C +
B +		
	Child Molestation 1 (9A.44.083)	B +
A-		
	Child Molestation 2 (9A.44.086)	C +
B		



**Theft, Robbery, Extortion, and Forgery**

	Theft 1 (9A.56.030)	C
B		
	Theft 2 (9A.56.040)	D
C		
	Theft 3 (9A.56.050)	E
D		
	Theft of Livestock (9A.56.080)	C
B		
	Forgery (9A.60.020)	D
C		
	Robbery 1 (9A.56.200)	B +
A		
	Robbery 2 (9A.56.210)	C +
B +		
	Extortion 1 (9A.56.120)	C +
B +		
	Extortion 2 (9A.56.130)	D +
C +		
	Identity Theft 1 (9.35.020(2)(a))	D
C		
	Identity Theft 2 (9.35.020(2)(b))	E
D		
	Improperly Obtaining Financial Information (9.35.010)	E
D		
	Possession of Stolen Property 1 (9A.56.150)	C
B		
	Possession of Stolen Property 2 (9A.56.160)	D
C		
	Possession of Stolen Property 3 (9A.56.170)	E
D		

C Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2)) D

**Motor Vehicle Related Crimes**

E Driving Without a License (46.20.005) E

B + Hit and Run - Death (46.52.020(4)(a)) C +

C Hit and Run - Injury (46.52.020(4)(b)) D

D Hit and Run-Attended (46.52.020(5)) E

E Hit and Run-Unattended (46.52.010) E

C Vehicular Assault (46.61.522) D

C Attempting to Elude Pursuing Police Vehicle (46.61.024) D

E Reckless Driving (46.61.500) E

D Driving While Under the Influence (46.61.502 and 46.61.504) E

**Other**

B Bomb Threat (9.61.160) C

C Escape 1<sup>1</sup> (9A.76.110) C

C Escape 2<sup>1</sup> (9A.76.120) C

D Escape 3 (9A.76.130) E

E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### **JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

#### **OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36      52-65    80-100    103-129

A-

WEEKS WEEKS WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B + 15-36

52-65 80-100 103-129

Current

Offense

Category

WEEKS

WEEKS

WEEKS WEEKS

LOCAL

52-65

B

15-36  
WEEKS

WEEKS

SANCTIONS (LS)

LS

C +

15-36  
WEEKS

LS

15-36  
WEEKS

C

Local Sanctions:

0 to 30 Days

D	LS	0 to 12 Months Community Supervision
+		
		0 to 150 Hours Community Restitution
D	LS	\$0 to \$500 Fine
	LS	
E		
		1      2      3      4
		or more
		0

**PRIOR ADJUDICATIONS**

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B  
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B + offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION C**

## MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. Sec. 5. Section 2 of this act expires July 1, 2004.

NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1, 2004."

On page 1, line 2 of the title, after "9A.76.200;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to HOUSE BILL NO. 1108 and asked the Senate to recede therefrom.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1380, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout section 2 of this act unless the context clearly requires otherwise.

(1) "Bedrock sluice" means a wood or metal flume or trough that is permanently attached to the bedrock of the creek and is equipped with transverse riffles across the bottom of the unit and used to recover heavy mineral sands.

(2) "Dredge" means a subsurface hose from one and one-half to ten inches in diameter that is powered by an engine and is used to draw up auriferous material that is then separated in the sluice portion of the unit.

(3) "Flume" means a trough used to convey water.

(4) "Mining claim" means a portion of the public lands claimed for the valuable minerals occurring in those lands and for which the mineral rights are obtained under federal law or a right that is recognized by the United States bureau of land management and given an identification number.

(5) "Quartz mill" means a facility for processing ores or gravel.

(6) "Rocker box" means a unit constructed of a short trough attached to curved supports that allow the unit to be rocked from side to side.

(7) "Sluice box" means a portable unit constructed of a wood or metal flume or trough equipped with transverse riffles across the bottom of the unit and that is used to recover heavy mineral sands.

NEW SECTION. Sec. 2. (1) A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder or person conducting the mining operation:

(a) Interferes with a lawful mining operation or stops, or causes to be stopped, a lawful mining operation;

(b) Enters a mining claim posted as required in chapter 78.08 RCW and disturbs, removes, or attempts to remove any mineral from the claim site;

(c) Tamper with or disturbs a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill, or other mining equipment at a posted mining claim; or

(d) Defaces a location stake, side post, corner post, landmark, monument, or posted written notice within a posted mining claim.

(2) Mineral trespass is a class C felony.

NEW SECTION. Sec. 3. (1) Section 2 of this act does not apply to conduct that would otherwise constitute an offense when it is required or authorized by law or judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties, or functions.



- (2) As used in subsection (1) of this section, "laws or judicial decrees" includes but is not limited to:
- (a) Laws defining duties and functions of public servants;
  - (b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions; and
  - (c) Judgments and orders of courts.

**Sec. 4.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW  
70.74.270(1))

Assault 1 (RCW 9A.36.011)  
XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)  
VIII

Deliver or possess with intent to deliver  
methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel  
in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver  
heroin or cocaine (when the offender has a criminal  
history in this state or any other state that includes a  
sex offense or serious violent offense or the  
Washington equivalent) (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine or any of its Salts or Isomers  
or Salts of Isomers, Pseudoephedrine or any of its Salts  
or Isomers or Salts of Isomers, Pressurized Ammonia  
Gas, or Pressurized Ammonia Gas Solution with intent  
to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any  
controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicle Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a

criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)



Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9A.16.035(4))

Endangerment with a Controlled Substance (RCW  
9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance  
(RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled  
Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW  
81.60.070)

Manufacture, deliver, or possess with intent to deliver  
marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to  
distribute an imitation controlled substance (RCW

69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun  
or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW  
9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat  
of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree  
(RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW  
69.53.010)

Vehicular Assault, by the operation or driving of a  
vehicle with disregard for the safety of others (RCW  
46.61.522)

Willful Failure to Return from Work Release (RCW  
72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled  
substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW  
9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (section 2 of this act)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)



Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 5.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW  
70.74.270(1))

Assault 1 (RCW 9A.36.011)  
XII

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree  
(RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony  
(RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of  
others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))  
VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110,  
9A.72.130)

Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW  
9A.42.060)

Advancing money or property for extortionate  
extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW  
9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW  
10.99.040, 10.99.050, 26.09.300, 26.10.220,  
26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit  
(RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen  
(subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)



Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW  
III 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes  
(RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW  
81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun  
or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW  
9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat  
of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree  
(RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a  
vehicle with disregard for the safety of others (RCW  
46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property  
(valued at one thousand five hundred dollars or more)  
(RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (section 2 of this act)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 6.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
---------------------------------------	----------------------------	--

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E

E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +
D +	Reckless Endangerment (9A.36.050)	E
C +	Promoting Suicide Attempt (9A.36.060)	D +
D +	Coercion (9A.36.070)	E
C +	Custodial Assault (9A.36.100)	D +

**Burglary and Trespass**

B +	Burglary 1 (9A.52.020)	C +
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C

D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
<u>C</u>	<u>Mineral Trespass (Section 2 of this act)</u>	<u>C</u>
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	<b>Drugs</b>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +



E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D +	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

### **Homicide**

A +	Murder 1 (9A.32.030)	A
A +	Murder 2 (9A.32.050)	B +

B +	Manslaughter 1 (9A.32.060)	C +
C +	Manslaughter 2 (9A.32.070)	D +
B +	Vehicular Homicide (46.61.520)	C +

### **Kidnapping**

A	Kidnap 1 (9A.40.020)	B +
B +	Kidnap 2 (9A.40.030)	C +
C +	Unlawful Imprisonment (9A.40.040)	D +

### **Obstructing Governmental Operation**

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B +	Intimidating a Public Servant (9A.76.180)	C +
B +	Intimidating a Witness (9A.72.110)	C +

### **Public Disturbance**

	Riot with Weapon (9A.84.010)	D +
C +		
	Riot Without Weapon (9A.84.010)	E
D +		
	Failure to Disperse (9A.84.020)	E
E		
	Disorderly Conduct (9A.84.030)	E
E		

### **Sex Crimes**

	Rape 1 (9A.44.040)	B +
A		
	Rape 2 (9A.44.050)	B +
A-		
	Rape 3 (9A.44.060)	D +
C +		
	Rape of a Child 1 (9A.44.073)	B +
A-		
	Rape of a Child 2 (9A.44.076)	C +
B +		
	Incest 1 (9A.64.020(1))	C
B		
	Incest 2 (9A.64.020(2))	D
C		
	Indecent Exposure (Victim < 14) (9A.88.010)	E
D +		
	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
E		
	Promoting Prostitution 1 (9A.88.070)	C +
B +		

C +	Promoting Prostitution 2 (9A.88.080)	D +
E	O & A (Prostitution) (9A.88.030)	E
B +	Indecent Liberties (9A.44.100)	C +
A-	Child Molestation 1 (9A.44.083)	B +
B	Child Molestation 2 (9A.44.086)	C +

**Theft, Robbery, Extortion, and Forgery**

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B +
B +	Robbery 2 (9A.56.210)	C +
B +	Extortion 1 (9A.56.120)	C +
C +	Extortion 2 (9A.56.130)	D +
C	Identity Theft 1 (9.35.020(2)(a))	D

D	Identity Theft 2 (9.35.020(2)(b))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))	D

**Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.005)	E
B +	Hit and Run - Death (46.52.020(4)(a))	C +
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E

<b>Other</b>		
	Bomb Threat (9.61.160)	C
B		
	Escape 1 <sup>1</sup> (9A.76.110)	C
C		
	Escape 2 <sup>1</sup> (9A.76.120)	C
C		
	Escape 3 (9A.76.130)	E
D		
	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
E		
	Other Offense Equivalent to an Adult Class A Felony	B +
A		
	Other Offense Equivalent to an Adult Class B Felony	C
B		
	Other Offense Equivalent to an Adult Class C Felony	D
C		
	Other Offense Equivalent to an Adult Gross Misdemeanor	E
D		
	Other Offense Equivalent to an Adult Misdemeanor	E
E		
	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V
V		

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### **JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A  
JUVENILE OFFENDER SENTENCING  
GRID  
STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36            52-65    80-100    103-129

A-

WEEKS WEEKS WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS



B + 15-36 80-100 103-129  
52-65

Current

Offense WEEKS WEEKS WEEKS

Category

LOCAL

52-65

B

15-36  
WEEKS WEEKS  
SANCTIONS (LS)

LS

C +

15-36  
WEEKS

LS

15-36  
WEEKS

C

Local Sanctions:

0 to 30 Days

D + LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

LS

E

1 2 3 4  
or more

0

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**  
**OPTION B**  
**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B + offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**  
**OPTION C**  
**MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 7.** Section 4 of this act expires July 1, 2004.

NEW SECTION. **Sec. 8.** Section 5 of this act takes effect July 1, 2004.

NEW SECTION. **Sec. 9.** Sections 1 through 3 of this act are each added to chapter 78.44 RCW."

On page 1, line 1 of the title, after "trespass;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; adding new sections to chapter 78.44 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1380 and asked the Senate to recede therefrom.

**SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1712, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex

offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) **OFFENDERS IN CUSTODY.** (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997,

must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

**Sec. 2.** RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources (~~other than state funds~~), the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III registered sex offenders in the state of Washington. The web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee (~~of for~~) or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9A.44.130 and 4.24.550."

and the same are herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to HOUSE BILL NO. 1712 and asked the Senate to recede therefrom.

**SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003



Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1788, with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.10 RCW to read as follows:

(1) Public bodies may use a job order contract for public works projects when:

- (a) A public body has made a determination that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for public works projects or repair required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project;
- (b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;
- (c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book; and
- (d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.

(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

- (a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;
- (b) The reasons for using job order contracts;
- (c) A description of the qualifications required of the proposer;
- (d) The identity of the specific unit price book to be used;
- (e) The minimum contracted amount committed to the selected job order contractor;
- (f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;
- (g) The form of the contract to be awarded;
- (h) The method for pricing renewals of or extensions to the job order contract;
- (i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and
- (j) Other information relevant to the project.

(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as

provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(11) Each public body may have no more than two job order contracts in effect at any one time.

(12) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for a job order contract must be determined as of the time of the execution of the job order contract and any extension or renewal.

(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.

(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.

(17) For purposes of this section, "public body" includes any school district.

**Sec. 2.** RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

(4) "Job order contract" means a contract between a public body or any school district and a registered or licensed contractor in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(5) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(6) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work.

(7) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

**Sec. 3.** RCW 39.10.067 and 2002 c 46 s 3 are each amended to read as follows:

In addition to the projects authorized in RCW 39.10.061, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

(1) The project must receive approval from the school district project review board established under RCW 39.10.115.

(2) The school district project review board may not authorize more than ~~((ten))~~ twenty demonstration projects valued over five million dollars, of which ~~((at least))~~ only two demonstration projects must be valued between five and ten million dollars.

**Sec. 4.** RCW 39.08.030 and 1989 c 58 s 1 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed)

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in section 1 of this act, bonds will be in an amount not less than the dollar value of all open work orders.

**Sec. 5.** RCW 39.30.060 and 2002 c 163 s 2 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will

subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(2) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

(a) Refusal of the listed subcontractor to sign a contract with the prime contractor;  
(b) Bankruptcy or insolvency of the listed subcontractor;  
(c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;

(d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract; or

(e) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(3) The requirement of this section to name the prime contract bidder's proposed HVAC, plumbing, and electrical subcontractors applies only to proposed HVAC, plumbing, and electrical subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

(4) This section does not apply to job order contract requests for proposals under section 1 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.12 RCW to read as follows:

Job order contracts under section 1 of this act must pay prevailing wages for all work that would otherwise be subject to the requirements of this chapter. Prevailing wages for a job order contract must be determined as of the time the job order contract and any extension or renewal is executed.

**Sec. 7.** RCW 60.28.011 and 2000 c 185 s 1 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of:

(a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide

labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW (~~(39.10.060)~~) 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

**Sec. 8.** RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

(1) RCW 39.10.010 and 1994 c 132 s 1;

- (2) RCW 39.10.020 and 2003 c ... s 2 (section 2 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) RCW 39.10.051 and 2002 c 46 s 1 & 2001 c 328 s 2;
- (6) RCW 39.10.061 and 2002 c 46 s 2 & 2001 c 328 s 3;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2003 c ... s 3 (section 3 of this act), 2002 c 46 s 3, & 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- (10) RCW 39.10.080 and 1994 c 132 s 8;
- (11) RCW 39.10.090 and 1994 c 132 s 9;
- (12) RCW 39.10.100 and 1994 c 132 s 10;
- (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13; ~~((and))~~
- (15) RCW 39.10.901 and 1994 c 132 s 14; and
- (16) RCW 39.10.-- and 2003 c ... s 1 (section 1 of this act).

**NEW SECTION. Sec. 9.** A new section is added to chapter 39.12 RCW to read as follows:  
 The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:  
 RCW 39.12.-- and 2003 c . . . s 6 (section 6 of this act)."

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.067, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW."

and the same are herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1788 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.115 and 1998 c 221 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Intimate areas" means any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view;

(b) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording or transmission of the image of a person;

~~((b))~~ (c) "Place where he or she would have a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed or filmed by another; or

(ii) A place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance;

~~((c))~~ (d) "Surveillance" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person;

~~((d))~~ (e) "Views" means the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

(2) A person commits the crime of voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

(a) Another person~~((r))~~ without that person's knowledge and consent~~((r))~~ while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

(b) The intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(3) Voyeurism is a class C felony.

(4) This section does not apply to viewing, photographing, or filming by personnel of the department of corrections or of a local jail or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the department of corrections or the local jail or correctional facility.

(5) If a person is convicted of a violation of this section, the court may order the destruction of any photograph, motion picture film, digital image, videotape, or any other recording of an image that was made by the person in violation of this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "voyeurism;" strike the remainder of the title and insert "amending RCW 9A.44.115; and declaring an emergency."

and the same are herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001 and advanced the bill as amended by the Senate to final passage.

Representative McMahan spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Upthegrove was excused.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 1001, and the bill held its place on the concurrence calendar.

#### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the protection of the environment is of utmost importance to ensuring the health and safety of the citizens of the state of Washington. The legislature further finds that fish caught commercially and recreationally provide an important element in a healthy diet, and that the fish caught in Washington waters need to be protected from any sources that might impact the healthfulness of consuming such fish. The legislature further finds that species caught in our region are safe for citizens to eat.

Therefore, the legislature intends to take all measures necessary to ensure that fish caught within our state's waters continue to be safe from any degrading influences.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include, but are not limited to, mercury thermometers, mercury thermostats, and mercury switches in motor vehicles.

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

**NEW SECTION. Sec. 3.** (1) Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under subsection (2) of this section. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

(2) Except as provided in subsection (3) of this section, a lamp is considered labeled pursuant to subsection (1) of this section if the lamp has all of the following:

(a) A label affixed to the lamp that displays the internationally recognized symbol for the element mercury; and

(b) A label on the lamp's packaging that: (i) Clearly informs the purchaser that mercury is present in the item; (ii) explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws; and (iii) provides a toll-free telephone number, and a uniform resource locator internet address to a web site, that contains information on applicable disposal laws.

(3) The manufacturer of a mercury-added lamp is in compliance with the requirements of this section if the manufacturer is in compliance with the labeling requirements of another state.

(4) The provisions of this section do not apply to products containing mercury-added lamps.

**NEW SECTION. Sec. 4.** The department of health must develop an educational plan for schools, local governments, businesses, and the public on the proper disposal methods for mercury and mercury-added products.

**NEW SECTION. Sec. 5.** A school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds. By January 1, 2006, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.

**NEW SECTION. Sec. 6.** (1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available;



(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

**NEW SECTION. Sec. 7.** (1) The department of general administration must, by January 1, 2005, revise its rules, policies, and guidelines to implement the purpose of this chapter.

(2) The department of general administration must give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless: (a) There is no economically feasible nonmercury-added alternative that performs a similar function; or (b) the product containing mercury is designed to reduce electricity consumption by at least forty percent and there is no nonmercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product. In circumstances where a nonmercury-added product is not available, preference must be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

**NEW SECTION. Sec. 8.** The department is authorized to participate in a regional or multistate clearinghouse to assist in carrying out any of the requirements of this chapter. A clearinghouse may also be used for examining notification and label requirements, developing education and outreach activities, and maintaining a list of all mercury-added products.

**NEW SECTION. Sec. 9.** A violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

**NEW SECTION. Sec. 10.** Nothing in this chapter applies to crematories as that term is defined in RCW 68.04.070.

**NEW SECTION. Sec. 11.** Any fiscal impact on the department or the department of health that results from the implementation of this chapter must be paid for out of funds that are appropriated by the legislature from the state toxics control account for the implementation of the department's persistent bioaccumulative toxic chemical strategy.

**NEW SECTION. Sec. 12.** Nothing in this chapter applies to prescription drugs regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), to biological products regulated by the food and drug administration under the public health service act (42 U.S.C. Sec. 262 et seq.), or to any substance that may be lawfully sold over-the-counter without a prescription under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

**NEW SECTION. Sec. 13.** Nothing in section 3, 6 (1), (3), or (4), or 7 of this act applies to medical equipment or reagents used in medical or research tests regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

**NEW SECTION. Sec. 14.** The department of ecology shall petition the United States environmental protection agency requesting development of a national mercury repository site.

NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL No. 1002 and advanced the bill as amended by the Senate to final passage.

Representative Hunt spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1002 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1003, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to promote growth in the technology sectors of our state's economy and to particularly focus support on the creation and commercialization of intellectual property in the technology, energy, and telecommunications industries.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington technology center established under RCW 28B.20.283 through 28B.20.295.

(2) "Board" means the board of directors for the center.

NEW SECTION. **Sec. 3.** The investing in innovation account is created in the custody of the state treasurer. Expenditures from the account may be used only for grants awarded by the center and for administering the grant award program. Only the executive director of the Washington technology center or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 4.** (1) The investing in innovation grants program is established.

(2) The center shall periodically make strategic assessments of the types of state investments in research and technology in this state that would likely create jobs and business opportunities and produce the most beneficial long-term improvements to the lives and health of the citizens of the state. The assessments shall be available to the public and shall be used to guide decisions on awarding grants under this chapter.

**NEW SECTION. Sec. 5.** The board shall:

(1) Develop criteria for the awarding of grants to qualifying universities, institutions, businesses, or individuals;

(2) Make decisions regarding distribution of grant funds and make grant awards; and

(3) In making grant awards, seek to provide a balance between research grant awards and commercialization grant awards.

**NEW SECTION. Sec. 6.** (1) The board may accept grant proposals and establish a competitive process for the awarding of grants.

(2) The board shall establish a peer review committee to include board members, scientists, engineers, and individuals with specific recognized expertise. The peer review committee shall provide to the board an independent peer review of all proposals determined to be competitive for a grant award that are submitted to the board.

(3) In the awarding of grants, priority shall be given to proposals that leverage additional private and public funding resources.

(4) Up to fifty percent of available funds from the investing in innovation account may be used to support commercialization opportunities for research in Washington state through an organization with commercialization expertise such as the Spokane intercollegiate research and technology institute.

(5) The center may not be a direct recipient of grant awards under this act.

**NEW SECTION. Sec. 7.** The board shall establish performance benchmarks against which the program will be evaluated. The grants program shall be reviewed periodically by the board. The board shall report annually to the appropriate standing committees of the legislature on grants awarded and as appropriate on program reviews conducted by the board.

**NEW SECTION. Sec. 8.** (1) The center shall administer the investing in innovation grants program.

(2) Not more than one percent of the available funds from the investing in innovation account may be used for administrative costs of the program.

**Sec. 9.** RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, ~~(and)~~ the children's trust fund, and the investing in innovation account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 28B.20.285 and 1992 c 142 s 3 are each amended to read as follows:

A Washington technology center is created to be a collaborative effort between the state's universities, private industry, and government. The technology center shall be headquartered at the University of Washington. The mission of the technology center shall be to perform and commercialize research on a statewide basis that benefits the intermediate and long-term economic vitality of the state of Washington, and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to Washington-based companies or state economic development programs. The technology center shall:

(1) Perform and/or facilitate research supportive of state science and technology objectives, particularly as they relate to state industries;

(2) Provide leading edge collaborative research and technology transfer opportunities primarily to state industries;

(3) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;

(4) Emphasize and develop nonstate support of the technology center's research activities; (~~and~~)

(5) Administer the investing in innovation grants program; and

(6) Provide a forum for effective interaction between the state's technology-based industries and its academic research institutions through promotion of faculty collaboration with industry, particularly within the state.

**Sec. 11.** RCW 28B.20.289 and 1995 c 399 s 26 are each amended to read as follows:

(1) The technology center shall be administered by the board of directors of the technology center.

(2) The board shall consist of the following members: Fourteen members from among individuals who are associated with or employed by technology-based industries and have broad business experience and an understanding of high technology; eight members from the state's universities with graduate science and engineering programs; the executive director of the Spokane Intercollegiate Research and Technology Institute or his or her designated representative; the provost of the University of Washington or his or her designated representative; the provost of the Washington State University or his or her designated representative; and the director of the department of community, trade, and economic development or his or her designated representative. The term of office for each board member, excluding the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington, the provost of the Washington State University, and the director of the department of community, trade, and economic development, shall be three years. The executive director of the technology center shall be an ex officio, nonvoting member of the board. The board shall meet at least quarterly. Board members shall be appointed by the governor based on the recommendations of the existing board of the technology center, and the research universities. The governor shall stagger the terms of the first group of appointees to ensure the long term continuity of the board.

(3) The duties of the board include:

(a) Developing the general operating policies for the technology center;

(b) Appointing the executive director of the technology center;

(c) Approving the annual operating budget of the technology center;

(d) Establishing priorities for the selection and funding of research projects that guarantee the greatest potential return on the state's investment;

(e) Approving and allocating funding for research projects conducted by the technology center, based on the recommendations of the advisory committees for each of the research centers;

(f) In cooperation with the department of community, trade, and economic development, developing a biennial work plan and five-year strategic plan for the technology center that are consistent with the statewide technology development and commercialization goals;

(g) Coordinating with the University of Washington, Washington State University, and other participating institutions of higher education in the development of training, research, and development programs to be conducted at the technology center that shall be targeted to meet industrial needs;

(h) Assisting the department of community, trade, and economic development in the department's efforts to develop state science and technology public policies and coordinate publicly funded programs;

(i) Performing the duties required under chapter 70.-- RCW (sections 1 through 8 of this act) relating to the investing in innovation grants program;

(j) Reviewing annual progress reports on funded research projects that are prepared by the advisory committees for each of the research centers;

~~((k))~~ (k) Providing an annual report to the governor and the legislature detailing the activities and performance of the technology center; and

~~((l))~~ (l) Submitting annually to the department of community, trade, and economic development an updated strategic plan and a statement of performance measured against the mission, roles, and contractual obligations of the technology center.

**NEW SECTION. Sec. 12.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "transfer;" strike the remainder of the title and insert "amending RCW 28B.20.285 and 28B.20.289; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 70 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1003, and advanced the bill as amended by the Senate to final passage.

Representative Morris spoke in favor of the passage of the bill.

Representative McMahan spoke against the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1003, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Armstrong, Boldt, Condotta, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Orcutt and Pearson - 10.

Excused: Representative Upthegrove - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1003, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1113, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 87.80.005 and 1996 c 320 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Area of jurisdiction" means all lands within the exterior boundary of the composite area served by the irrigation entities that comprise the board of joint control as the boundary is represented on the map filed under RCW 87.80.030.

(2) "Irrigation entity" means an irrigation district or an operating entity for a division within a federal reclamation project. For the purposes of this chapter, a water company, a water users' association, a municipality, a water right owner and user of irrigation water, or any other entity that provides irrigation water as a primary purpose, is an irrigation entity when creating or joining a board of joint control with an irrigation district or operating entity for a division within a federal reclamation project.

(3) "Joint use facilities" means those works, including reservoirs, canals, ditches, natural streams in which the irrigation entity has rights of conveyance under RCW 90.03.030, hydroelectric facilities, pumping stations, drainage works, reserved works as may be transferred by contracts with the United States, and system interties that are determined by the board of joint control to provide common benefit to its members.

(4) "Ownership interest" means the irrigation entity holds water rights in its name for the benefit of itself, its water users or, in federal reclamation projects, the irrigation entity has a contractual responsibility for delivery of water to its individual water users.

(5) "Source of water" means a hydrological distinct river and tributary system or aquifer system from which board of joint control member entities appropriate water.

**Sec. 2.** RCW 87.80.030 and 1996 c 320 s 4 are each amended to read as follows:

The petition for the creation of a board of joint control shall be addressed to the board of county commissioners, shall describe generally the relationship, if any, of the irrigation entities to an established federal reclamation project, the primary water works of the entities including reservoirs, main canals, hydroelectric facilities, pumping stations, and drainage facilities, giving them their local names, if any they have, and shall show generally the physical relationship of the lands being watered from the water facilities. However, lands included in any irrigation entity involved need not be described individually but shall be included by stating the name of the irrigation entity and all the irrigable lands in the irrigation entity named shall by that method be deemed to be involved unless otherwise specifically stated in the petition. Further, the petition must propose the formula for board of joint control apportionment of costs among its members, and may propose the composition of the board of joint control as to membership, chair, and voting structure. When a board of joint control includes irrigation entities other than an irrigation district or an operating entity for a division within a federal reclamation project as provided in RCW 87.80.005, the voting structure must be such that the votes apportioned to those entities are less than fifty percent of the total votes.

The petition shall also state generally the reasons for the creation of a board of joint control and any other matter the petitioners deem material, and shall allege that it is in the public interest and to the benefit of all the owners of the lands receiving water within the area of jurisdiction, that the board of joint control be created and request that the board of county commissioners consider the petition and take the necessary steps provided by law for the creation of a board of joint control. The petition shall be accompanied by a map showing the area of jurisdiction and the general location of the water supply and distribution facilities.

**Sec. 3.** RCW 87.80.130 and 1998 c 84 s 2 are each amended to read as follows:

(1) A board of joint control created under the provisions of this chapter shall have full authority within its area of jurisdiction to enter into and perform any and all necessary contracts; to accept grants and loans, including, but not limited to, those provided under chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the necessary officers, agents, and employees; to sue and be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation entities represented on the board as a whole have a common interest without making the irrigation entities parties to the suit; to represent the entities in all matters of common interest as a whole within the scope of this chapter; and to do any and all lawful acts required and expedient to carry out the purposes of this chapter. A board of joint control may, subject to the same limitations as an irrigation district operating under chapter 87.03 RCW, acquire any property or property rights for use within the board's area of jurisdiction by power of eminent domain; acquire, purchase, or lease in its own name all necessary real or personal property or property rights; and sell, lease, or exchange any surplus real or personal property or property rights. Any transfers of water, however, are limited to transfers authorized under subsection (2) of this section.

(2)(a) A board of joint control is authorized and encouraged to pursue conservation and system efficiency improvements to optimize the use of appropriated waters and to either redistribute the saved water within its area of jurisdiction, or((~~or~~)) transfer the water to others, or both. A redistribution of saved water as an operational practice internal to the board of joint control's area of jurisdiction, may be authorized if it can be made without detriment or injury to rights existing outside of the board of control's area of jurisdiction, including instream flow water rights established under state or federal law.

(b) Prior to undertaking a water conservation or system efficiency improvement project (~~which~~) that will result in a redistribution of saved water, the board of joint control must consult with the department of ecology and, if the board's jurisdiction is within a United States reclamation project, the board must obtain the

approval of the bureau of reclamation. The purpose of such consultation is to assure that the proposal will not impair the rights of other water holders or bureau of reclamation contract water users.

(c) A board of joint control does not have the power to authorize a change of any water right that would change the point or points of diversion, purpose of use, or place of use outside the board's area of jurisdiction, without the approval of the department of ecology pursuant to RCW 90.03.380 and, if the board's jurisdiction is within a United States reclamation project, the approval of the bureau of reclamation. Any change in place of use that results from a transfer of water between the individual entities of the board of joint control shall not result in any reduction in the total water supply available in a federal reclamation project. In making the determination of whether a change of place of use in an area covered by a federal reclamation project will result in a reduction in the total water supply available, the board of joint control shall consult with the bureau of reclamation.

(d) The board of joint control shall notify the department of ecology, and any Indian tribe requesting notice, of transfers of water between the individual entities of the board of joint control. This subsection (2)(d) applies only to a board of joint control created after January 1, 2003.

(3) A board of joint control is authorized to design, construct, and operate either drainage projects, or water quality enhancement projects, or both.

(4) Where the board of joint control area of jurisdiction is totally within a federal reclamation project, the board is authorized to accept operational responsibility for federal reserved works.

(5) Nothing contained in this chapter gives a board of joint control the authority to abridge the existing rights, responsibilities, and authorities of an individual irrigation entity or others within the area of jurisdiction; nor in a case where the board of joint control consists of representatives of two or more divisions of a federal reclamation project shall the board of joint control abridge any powers of an existing board of control created through federal contract; nor shall a board of joint control have any authority to abridge or modify a water right benefiting lands within its area of jurisdiction without consent of the party holding the ownership interest in the water right.

(6) A board of joint control created under this chapter may not use any authority granted to it by this chapter or by RCW 90.03.380 to authorize a transfer of or change in a water right or to authorize a redistribution of saved water before July 1, 1997.

NEW SECTION. Sec. 4. A new section is added to chapter 87.80 RCW to read as follows:  
The provisions of chapter . . . , Laws of 2003 (this act) shall not be construed or interpreted to authorize the impairment of any existing water rights."

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 87.80.005, 87.80.030, and 87.80.130; and adding a new section to chapter 87.80 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1113, and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1113, as amended by the Senate.

Representatives Hinkle and Rockefeller spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1113, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew,

Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

SUBSTITUTE HOUSE BILL NO. 1113, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1175, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.40 RCW to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835; or

(C) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

**Sec. 2.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)

XVI

Homicide by abuse (RCW 9A.32.055)

XV



Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Trafficking 1 (section 1(1) of this act)

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Trafficking 2 (section 1(2) of this act)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others  
(RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver  
narcotics from Schedule I or II (except heroin or cocaine) or  
flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)



Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen  
(subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances  
(RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver  
marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute  
an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or  
Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW  
9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS  
LEVEL

Aggravated Murder 1 (RCW 10.95.020)  
XVI

Homicide by abuse (RCW 9A.32.055)  
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)  
XIV

Trafficking 1 (section 1(1) of this act)

Malicious explosion 2 (RCW 70.74.280(2))  
XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))



Assault 1 (RCW 9A.36.011)

XII

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

Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

Trafficking 2 (section 1(2) of this act)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW  
9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a  
reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)  
V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW  
9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)



Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 4.** RCW 9.94A.535 and 2002 c 169 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. An exceptional sentence imposed on an offender sentenced under RCW 9.94A.712 shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(m) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(n) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

**Sec. 5.** RCW 9A.82.090 and 2001 c 222 s 13 are each amended to read as follows:

During the pendency of any criminal case charging a violation of RCW 9A.82.060 or ~~((a violation of RCW))~~ 9A.82.080, or an offense defined in section 1 of this act, the superior court may, in addition to its other powers, issue an order pursuant to RCW 9A.82.100 (2) or (3). Upon conviction of a person for a violation of RCW 9A.82.060 or ~~((a violation of RCW))~~ 9A.82.080, or an offense defined in section 1 of this act, the superior court may, in addition to its other powers of disposition, issue an order pursuant to RCW 9A.82.100.

**Sec. 6.** RCW 9A.82.100 and 2001 c 222 s 14 are each amended to read as follows:

(1)(a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity, or by an offense defined in section 1 of this act, or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an offense defined in section 1 of this act, or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering, or an offense defined in section 1 of this act, activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering, or by an offense defined in section 1 of this act, then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in section 1 of this act, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in section 1 of this act, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered or, in the case of an offense that is defined in section 1 of this act, within three years after the final disposition of any criminal charges relating to the offense, whichever is later.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1)(a) and (b)(i) of this section, either party has the right to a jury trial.

**Sec. 7.** RCW 9A.82.120 and 2001 c 222 s 16 are each amended to read as follows:

(1) The state, upon filing a criminal action under RCW 9A.82.060 or 9A.82.080 or for an offense defined in section 1 of this act, or a civil action under RCW 9A.82.100, may file in accordance with this section a criminal profiteering lien. A filing fee or other charge is not required for filing a criminal profiteering lien.

(2) A criminal profiteering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;



- (f) A statement that the notice is being filed pursuant to this section;
- (g) The amount that the state claims in the action or, with respect to property or other interests that the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;
- (h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property that is subject to forfeiture to the state or property in which the defendant has an interest that is available to satisfy a judgment entered in favor of the state; and
- (i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.
- (3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended criminal profiteering lien in accordance with this section that identifies the prior lien amended.
- (4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a criminal profiteering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a criminal profiteering lien filed in accordance with this section.
- (5)(a) A criminal profiteering lien is perfected against interests in personal property in the same manner as a security interest in like property pursuant to RCW (~~62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305, and 62A.9-306~~) 62A.9A-301 through 62A.9A-316 or as otherwise required to perfect a security interest in like property under applicable law. In the case of perfection by filing, the state shall file, in lieu of a financing statement in the form prescribed by RCW (~~62A.9-402~~) 62A.9A-502, a notice of lien in substantially the following form:

#### NOTICE OF LIEN

Pursuant to RCW 9A.82.120, the state of Washington claims a criminal profiteering lien on all real and personal property of:

Name:

Address:

State of Washington

By (authorized signature)

On receipt of such a notice from the state, a filing officer shall, without payment of filing fee, file and index the notice as if it were a financing statement naming the state as secured party and the defendant as debtor.

(b) A criminal profiteering lien is perfected against interests in real property by filing the lien in the office where a mortgage on the real estate would be filed or recorded. The filing officer shall file and index the criminal profiteering lien, without payment of a filing fee, in the same manner as a mortgage.

(6) The filing of a criminal profiteering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) The lien created in favor of the state in accordance with this section, when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his or her business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the criminal profiteering lien or, if no criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof; or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a criminal profiteering lien in accordance with this section, whichever is earlier, but if the property was not seized and no criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.

(11) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

**NEW SECTION. Sec. 8.** Section 2 of this act expires July 1, 2004.

**NEW SECTION. Sec. 9.** Section 3 of this act takes effect July 1, 2004."

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 9.94A.535, 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1175, and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1175, as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1175, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

SUBSTITUTE HOUSE BILL NO. 1175, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1442, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 64.36 RCW to read as follows:

(1) An effective registration pursuant to this chapter is required for any party to offer to sell a timeshare interest. A promoter who offers to sell or sells revocable timeshare interests in incomplete projects or facilities is limited by and must comply with all of the requirements of RCW 64.36.025. If a promoter seeks to enter into irrevocable purchase agreements with purchasers for timeshare interests in incomplete projects or facilities, the promoter must meet the requirements in this section in addition to RCW 64.36.020 and the following limitations and conditions apply:

(a) The promoter is limited to offering or selling only fee simple deeded timeshare interests;

(b) Construction on the project must have begun by the time the irrevocable purchase agreement is signed and the purchaser must have the right to occupy the unit and use all contracted for amenities no later than within two years of the date that the irrevocable purchase agreement is signed;

(c) The promoter must establish an independent third-party escrow account for the purpose of protecting the funds or other property paid, pledged, or deposited by purchasers;

(d) The promoter's solicitations, advertisements, and promotional materials must clearly and conspicuously disclose that "THE PROJECT IS NOT YET COMPLETED; IT IS STILL UNDER CONSTRUCTION"; and

(e) The promoter's solicitations, advertisements, and promotional materials and the timeshare interest purchase agreement must clearly and conspicuously provide for and disclose the last possible estimated date for completion of construction of any building the promoter is contractually obligated to the purchaser to complete.

(2) The timeshare interest purchase agreement must contain the following language in fourteen-point bold face type: "If the building in which the timeshare interest is located and all contracted for amenities are not completed by [estimated date of completion], the purchaser has the right to void the purchase agreement and is entitled to a full, unqualified refund of all moneys paid."

(3) One hundred percent of all funds or other property that is received from or on behalf of purchasers of timeshare interests prior to the occurrence of events required in this section must be deposited pursuant to a third-party escrow agreement approved by the director. For purposes of this section, "purchasers" includes all persons solicited, offered, or who purchased a timeshare interest by a promoter within the state of Washington. An escrow agent shall maintain the account only in such a manner as to be under the direct supervision and control of the escrow agent. The escrow agent has a fiduciary duty to each purchaser to maintain the escrow accounts in

accordance with good accounting practices and to release the purchaser's funds or other property from escrow only in accordance with this chapter. If the escrow agent receives conflicting demands for funds or property held in escrow, the escrow agent shall immediately notify the department of licensing of the dispute and the department shall determine if and how the funds should be distributed. If the purchaser, promoter, or escrow agent disagrees with the department's determination, the parties have the right to request an administrative hearing under chapter 34.05 RCW. Funds may be released from the escrow account to the purchaser if the purchaser cancels within the cancellation period, or to the promoter only when all three of the following conditions occur:

- (a) The purchaser's cancellation period has expired;
- (b) Closing has occurred; and
- (c) Construction is complete and the building is ready to occupy.

(4) In lieu of depositing purchaser funds into an escrow account, the promoter may post with the department a bond in an amount equal to or greater than the amount that would otherwise be required to be placed into the escrow account.

(5) Any purchaser has the right to void the timeshare purchase agreement and request a full, unqualified refund if construction of the building in which the timeshare interest is located or all contracted for amenities are not completed within two years from the date that the irrevocable purchase agreement is signed or by the last estimated date of construction contained in the irrevocable purchase agreement, whichever is earlier.

(6) If the completed timeshare building or contracted for amenities are materially and adversely different from the building or amenities that were promised to purchasers at the time that the purchase agreements were signed, the director may declare any or all of the purchaser contracts void. Before declaring the contracts void, the director shall give the promoter the opportunity for a hearing in accordance with chapters 34.05 and 18.235 RCW.

(7) If the promoter intends to or does pledge or borrow against funds or properties, that are held in escrow or protected by a bond, to help finance in whole or in part the construction of the timeshare project or to help pay for operating costs, this must be fully, plainly, and conspicuously disclosed in all written advertising, in all written solicitations for the sale of the timeshare interests, in the registration with the director, and in the purchase agreement or contract.

(8) A promoter who obtains an effective registration for a revocable timeshare interest reservation must meet the requirements of this section in order to complete an irrevocable purchase agreement."

On page 1, line 1 of the title, after "timeshares;" strike the remainder of the title and insert "and adding a new section to chapter 64.36 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1442, and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1442 as amended by the Senate.

Representative Wood spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1442, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

SUBSTITUTE HOUSE BILL NO. 1442, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed HOUSE JOINT RESOLUTION NO. 4206, with the following amendment:

Beginning on page 1, line 8, strike all material through "state." on page 2, line 29, and insert the following:

"Article II, section 15. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and ~~((shall have))~~ has qualified: *Provided*, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county ~~((commissioners))~~ legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE JOINT RESOLUTION NO. 4206 and advanced the joint resolution as amended by the Senate to final adoption.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of House Joint Resolution No. 4206 as amended by the Senate.

Representative Haigh spoke in favor of the passage of the Joint Resolution.

### ROLL CALL

The Clerk called the roll on the final adoption of House Joint Resolution No. 4206 as amended by the Senate, and the joint resolution was adopted by the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

HOUSE JOINT RESOLUTION NO. 4206 as amended by the Senate, having received the two-thirds constitutional majority, was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1473, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended to read as follows:

The (~~board of~~) county (~~commissioners~~) legislative authority in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

If a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

**Sec. 2.** RCW 36.32.0558 and 1990 c 252 s 6 are each amended to read as follows:

Vacancies on a board of county commissioners consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more commissioners until there are a total of three commissioners;

(2) Whenever there are two vacancies, the three commissioners shall fill one of the vacancies; (~~and~~)

(3) Whenever there is one vacancy, the four commissioners shall fill the single vacancy; and

(4) Whenever there is a vacancy after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

**Sec. 3.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, except as provided in RCW 36.32.0558, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

(4) Whenever there is a vacancy in the office of county commissioner after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

**Sec. 4.** RCW 42.12.040 and 2002 c 108 s 2 are each amended to read as follows:

(1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday prior to the primary for the next general election following the occurrence of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the sixth Tuesday prior to the primary for that general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

**NEW SECTION. Sec. 5.** This act takes effect January 1, 2004, if the proposed amendment to Article II, section 15 of the state Constitution (HJR --) is validly submitted to and is approved and ratified by the voters at a general election held in November 2003. If the proposed amendment is not approved and ratified, this act is void in its entirety."

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "amending RCW 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a contingent effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1473, and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1473 as amended by the Senate.

Representative Hudgins spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1473, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

HOUSE BILL NO. 1473, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED HOUSE BILL NO. 1079,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853,

The Speaker called upon Representative Lovick to presiding.

**SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1495, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.08.150 and 1989 c 175 s 122 are each amended to read as follows:

The action, order, or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to ~~((thirty))~~ one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined. The board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "and amending RCW 66.08.150."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1495, and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1495 as amended by the Senate.

Representative Hudgins spoke in favor of the passage of the bill.

**ROLL CALL**



The Clerk called the roll on the final passage of Substitute House Bill No. 1495, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Upthegrove - 1.

SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The legislature also finds that developing an effective economic development strategy for the state and operating effective economic development programs, including work force training, small business assistance, technology transfer, and export assistance, are vital to the state's efforts to encourage employment growth, increase state revenues, and generate economic well-being. In addition, the legislature finds that there is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. It is the intent of the legislature to create an economic development commission that will develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development.

**NEW SECTION. Sec. 2.** (1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) The Washington state economic development commission shall consist of at least seven and no more than nine members appointed by the governor.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Representation shall derive primarily from the private sector, including, but not limited to, existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses, but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to

serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms.

(4) The commission chair shall be selected from among the appointed members by the majority vote of the members.

(5) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(6) The commission may adopt rules for its own governance.

**NEW SECTION. Sec. 3.** The Washington state economic development commission shall perform the following duties:

(1) Review and periodically update the state's economic development strategy, including implementation steps, and performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;

(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:

(a) Promote business retention, expansion, and creation within the state;

(b) Promote the business climate of the state and stimulate increased national and international investment in the state;

(c) Promote products and services of the state;

(d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;

(e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and

(f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;

(3) Identify policies and programs to assist Washington's small businesses;

(4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;

(5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and

(6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004.

**NEW SECTION. Sec. 4.** (1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.

(2) Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.

**Sec. 5.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Work with the Washington state economic development commission established in section 2 of this act to develop and implement economic development policies consistent with the advice of the commission;

(b) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

~~((b))~~ (c) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

~~((e))~~ (d) Accept and expend gifts and grants, whether such grants be of federal or other funds;

~~((d))~~ (e) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

~~((e))~~ (f) Prepare and submit budgets for the department for executive and legislative action;

~~((f))~~ (g) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

~~((g))~~ (h) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

~~((H))~~ (i) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

~~((H))~~ (j) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 43.330.040; and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1509 as amended by the Senate.

Representatives Skinner and Veloria spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1509, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Uptegrove - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1634, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.020 and 1996 c 301 s 2 are each amended to read as follows:

(1) In a transaction for the sale of residential (~~real~~) property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed (~~real property transfer~~) seller disclosure statement in the following format and that contains, at a minimum, the following information:

### INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

### NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY (~~THE SELLER(S), CONCERNING~~) SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

~~((DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF)) SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME ((THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER.)) SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS((, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S)) FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND ((YOUR)) THE AGREEMENT BY DELIVERING ((YOUR SEPARATE)) A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO ((THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR)) SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO ((ENTERING)) OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.~~

THE FOLLOWING ARE DISCLOSURES MADE BY ((THE)) SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN ((THE)) BUYER AND ((THE)) SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF ((A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE)) QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST ((AND DRY ROT)) INSPECTORS. THE PROSPECTIVE BUYER AND ((THE OWNER)) SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY ((AND)) OR TO PROVIDE ((FOR)) APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If ("Yes" attach a copy or explain) you answer "Yes" to a question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

**1. TITLE**

- |                              |                             |                                     |   |
|------------------------------|-----------------------------|-------------------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | A. Do you have legal authority to sell the property? <u>If no, please explain.</u>  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *B. Is title to the property subject to any of the following?<br><br>(1) First right of refusal<br><br>(2) Option<br><br>(3) Lease or rental agreement<br><br>(4) Life estate?                  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. Are there any encroachments, boundary agreements, or boundary disputes?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *D. Are there any rights of way, easements, or access limitations that may affect the <del>(owner's)</del> <u>Buyer's</u> use of the property?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *E. Are there any written agreements for joint maintenance of an easement or right of way?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *F. Is there any study, survey project, or notice that would adversely affect the property?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *G. Are there any pending or existing assessments against the property?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the <del>(subject)</del> <u>(subject)</u> property that would affect future construction or remodeling? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *I. Is there a boundary survey for the property?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *J. Are there any covenants, conditions, or restrictions which affect the property?   |

**2. WATER**

A. Household Water

(1) The source of ~~((the))~~ water for the property is:  
 Private or publicly owned water system  
 Private well serving only the subject property . . . . .  
 Other water system

Yes                       No                       Don't know

\*If shared, are there any written agreements?

~~(( Public  Community  
 Private  Shared~~

~~(2) Water source information:~~

~~Yes                       No                       Don't know~~

~~\*a. Are there any written agreements for shared water source?))~~

Yes                       No                       Don't know

~~(( b-) \*2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?~~

Yes                       No                       Don't know

~~(( c-) \*3) Are there any known problems or repairs needed?~~

Yes                       No                       Don't know

~~(( d. Does)) (4) During your ownership, has the source ~~((provide))~~ provided an adequate year round supply of potable water? If no, please explain.~~

Yes                       No                       Don't know

~~(( 3)) \*5) Are there any water treatment systems for the property? If yes, are they  Leased  Owned~~

B. Irrigation

Yes                       No                       Don't know

(1) Are there any water rights for the property, such as a water right, permit, certificate, or claim?

Yes                       No                       Don't know

~~(( 2) If they exist, to your knowledge,) \*a) If yes, have the water rights been used during the last ~~((five-year period))~~ five years?~~

Yes                       No                       Don't know

~~(( 3)) \*b) If so, is the certificate available?~~

C. Outdoor Sprinkler System

Yes                       No                       Don't know

(1) Is there an outdoor sprinkler system for the property?

Yes                       No                       Don't know

~~((\*(2))~~) (2) If yes, are there any defects in the ((outdoor sprinkler)) system? . . . . .

Yes                       No                       Don't know

\* (3) If yes, is the sprinkler system connected to irrigation water?

**3. SEWER/~~((SEPTIC)) ON-SITE SEWAGE SYSTEM~~**

A. The property is served by:  Public sewer ~~((main)) system,  ~~((Septic tank)) On-site sewage system (including pipes, tanks, drainfields, and all other component parts)  Other disposal system ~~((describe))~~ Please describe:~~~~

Yes                       No                       Don't know

B. ~~If ((the property is served by a public or community sewer main, is the house connected to the))~~ public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes

Yes                       No                       Don't know

C. ~~Is the property ((currently subject to a sewer capacity charge))~~ subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Yes

D. If the property is connected to ~~((a septic))~~ an on-site sewage system:

Yes                       No                       Don't know

\* (1) Was a permit issued for its construction, and was it approved by the ~~((city or county))~~ local health department or district following its construction?

(2) When was it last pumped:

~~((-19)) . . .~~

Yes                       No                       Don't know

\* (3) Are there any defects in the operation of the ~~((septic))~~ on-site sewage system?

Yes                       No                       Don't know

(4) When was it last inspected?

~~((-19)) . . .~~

By Whom:

Don't know

(5) For how many bedrooms was the on-site sewage system approved ((for))?

bedrooms

Yes

No

Don't know

((~~E. Do~~) E. Are all plumbing fixtures, including laundry drain, ((~~go~~)) connected to the ((~~septic/sewer~~)) sewer/on-site sewage system? If no, please explain:

Yes

No

Don't know

\*F. ((~~Are you aware of~~)) Have there been any changes or repairs to the ((~~septic~~)) on-site sewage system?

Yes

No

Don't know

G. Is the ((~~septic tank~~)) on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes

No

Don't know

H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? If yes, please explain.

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

**4. STRUCTURAL**

Yes

No

Don't know

\*A. Has the roof leaked?

((~~Yes~~))

((~~No~~))

((~~Don't know~~))

If yes, has it been repaired?)

Yes

No

Don't know

\*B. Has the basement flooded or leaked?

Yes

No

Don't know

\*C. Have there been any conversions, additions, or remodeling?

Yes

No

Don't know

((~~1.~~) \*1) If yes, were all building permits obtained?

Yes

No

Don't know

((~~2.~~) \*2) If yes, were all final inspections obtained?

Yes

No

Don't know

((~~C.~~) D. Do you know the age of the house? If yes, year of original construction:

No

Don't know

((~~D. Do you know of~~)) \* E. Has there been any settling, slippage, or sliding of ((either the house or other structures/improvements located on the property? If yes, explain:)) the property or its improvements?

Yes

((-))



Yes                       No                       Don't know                      (~~(#E. Do you know of)~~) \* F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Foundations   | <input type="checkbox"/> Decks          | <input type="checkbox"/> Exterior Walls |
| <input type="checkbox"/> Chimneys      | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm     |
| <input type="checkbox"/> Doors         | <input type="checkbox"/> Windows        | <input type="checkbox"/> Patio          |
| <input type="checkbox"/> Ceilings      | <input type="checkbox"/> Slab Floors    | <input type="checkbox"/> Driveways      |
| <input type="checkbox"/> Pools         | <input type="checkbox"/> Hot Tub        | <input type="checkbox"/> Sauna          |
| <input type="checkbox"/> Sidewalks     | <input type="checkbox"/> Outbuildings   | <input type="checkbox"/> Fireplaces     |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways       | <input type="checkbox"/> Siding         |
| <input type="checkbox"/> Other         | <input type="checkbox"/> Wood Stoves    |   |

~~( Yes)~~                       ~~No~~                       ~~Don't know~~                      ~~\*F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?—~~

~~Yes~~                       ~~No~~                       ~~Don't know~~                      ~~\*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?))~~

Yes                       No                       Don't know                      \*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?—

Yes                       No                       Don't know                      H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes                       No                       Don't know                      I. Is the attic insulated?

Yes                       No                       Don't know                      J. Is the basement insulated?

**5. SYSTEMS AND FIXTURES**

(~~(#)~~) \*A. If any of the following systems or fixtures are included with the transfer, (~~do they have any existing defects?:~~) are there any defects? If yes, please explain.

Yes                       No                       Don't know                      (~~(#A-)~~) Electrical system, including wiring, switches, outlets, and

service

Yes       No       Don't know

~~(B)~~ Plumbing system, including pipes, faucets, fixtures, and toilets

Yes       No       Don't know

~~(C)~~ Hot water tank

Yes       No       Don't know

~~(D)~~ Garbage disposal

Yes       No       Don't know

~~(E)~~ Appliances

Yes       No       Don't know

~~(F)~~ Sump pump

Yes       No       Don't know

~~(G)~~ Heating and cooling systems

Yes       No       Don't know

~~(H)~~ Security system  
 Owned  Leased

~~(I)~~ Other

\*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes       No       Don't know

Security system . . . . .

Yes       No       Don't know

Tanks (type): . . . . .

Yes       No       Don't know

Satellite dish . . . . .  
Other: . . . . .

**6. COMMON INTERESTS**

Yes       No       Don't know

A. Is there a Home Owners' Association? Name of Association

- |                              |                             |                                     |   |
|------------------------------|-----------------------------|-------------------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | B. Are there regular periodic assessments:  |
|                              |                             |                                     | \$ . . . per <input type="checkbox"/> Month <input type="checkbox"/> Year   |
|                              |                             |                                     | <input type="checkbox"/> Other  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. Are there any pending special assessments?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)? |

**7. GENERAL**

- |                              |                             |                                     |   |
|------------------------------|-----------------------------|-------------------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *A. <del>((Is there any settling, soil, standing water, or))</del> <u>Have there been any drainage problems on the property?</u>  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *B. Does the property contain fill material?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. Is there any material damage to the property <del>((or any of the structure))</del> from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | D. Is the property in a designated flood plain?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *E. Are there any substances, materials, or products <u>on the property</u> that may be <del>((an))</del> environmental <del>((hazard such as, but not limited to-))</del> <u>concerns, such as</u> asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, <del>((and))</del> <u>or</u> contaminated soil or water <del>((on the subject property))</del> ? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *G. Has the property ever been used as an illegal drug manufacturing site?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *H. <u>Are there any radio towers in the area that may cause interference with telephone reception?</u>   |

**8. MANUFACTURED AND MOBILE HOMES**

If the property includes a manufactured or mobile home,

- |                              |                             |                                     |  |
|------------------------------|-----------------------------|-------------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *A. <u>Did you make any alterations to the home? If yes, please describe the alterations: . . . . .</u>                |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *B. <u>Did any previous owner make any alterations to the home? If yes, please describe the alterations: . . . . .</u> |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. <u>If alterations were made, were permits or variances for these alterations obtained?</u>                         |

**~~((8-))~~ 9. FULL DISCLOSURE BY SELLERS**

A. Other conditions or defects:

Yes                       No                       Don't know

\*Are there any other existing material defects affecting ~~((this))~~ the property ~~((or its value))~~ that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE

SELLER

SELLER

**II. BUYER'S ACKNOWLEDGMENT**

A. ~~((As buyer(s), I/we acknowledge the))~~ Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects ~~((which))~~ that are known to ~~((me/us))~~ Buyer or can be known to ~~((me/us))~~ Buyer by utilizing diligent attention and observation.

B. ~~((Each buyer acknowledges and understands that))~~ The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) ~~((hereby acknowledges receipt of))~~ has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS ~~((FORM))~~ DISCLOSURE STATEMENT ARE PROVIDED BY ~~((THE))~~ SELLER BASED ON ~~((THE BASIS OF))~~ SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME ~~((OF DISCLOSURE. YOU, THE BUYER,))~~ SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS ~~((, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S))~~ FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND ~~((YOUR))~~ THE AGREEMENT BY DELIVERING ~~((YOUR SEPARATE SIGNED))~~ A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO ~~((THE))~~ SELLER ~~((UNLESS YOU WAIVE THIS RIGHT OF RESCISSION))~~ OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS ~~((REAL PROPERTY TRANSFER))~~ DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE . . . . . BUYER . . . . . BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The ~~((real property transfer))~~ seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential ~~((real))~~ property. The ~~((real~~

~~property transfer~~) seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction."

On page 1, line 2 of the title, after "statement;" strike the remainder of the title and insert "and amending RCW 64.06.020."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1634 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1634 as amended by the Senate.

Representative Conway spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1634, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1634, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, issuance of new water rights, voluntary water transfers, and conservation and water use efficiency programs, including storage, ((should be the preferred)) all are acceptable methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water

required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; ~~(and)~~)

(c) The interests of the state and its citizens will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water; and

(d) Water banking as a function of the trust water program and as authorized by this chapter can provide an effective means to facilitate the voluntary transfer of water rights established through conservation, purchase, lease, or donation, to preserve water rights and provide water for presently unmet and future needs; and to achieve a variety of water resource management objectives throughout the state, including drought response, improving streamflows on a voluntary basis, providing water mitigation, or reserving water supply for future uses.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department is hereby authorized to use the trust water rights program in the Yakima river basin for water banking purposes.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water from one water year to another water year.

(4) For purposes of this section and section 6 of this act, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department, with the consent of the water right holder, may identify trust water rights for administration for water banking purposes, including trust water rights established before the effective date of this section.

(2) An application to transfer a water right to the trust water program shall be reviewed under RCW 90.03.380 at the time the water right is transferred to the trust water program for administration for water banking purposes, and notice of the application shall be published by the applicant as provided under RCW 90.03.280. The application must indicate the reach or reaches of the stream where the trust water right will be established before the transfer of the water right or portion thereof from the trust water program, and identify reasonably foreseeable future temporary or permanent beneficial uses for which the water right or portion thereof may be used by a third party upon transfer from the trust water right program. In the event the future place of use, period of use, or other elements of the water right are not specifically identified at the time of the transfer into the trust water program, another review under RCW 90.03.380 will be necessary at the time of a proposed transfer from the trust water program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall transfer a water right or portion thereof being administered for water banking purposes from the trust water program to a third party upon occurrence of all of the following:

(a) The department receives a request for transfer of a water right or portion thereof currently administered by the department for water banking purposes;

(b) The request is consistent with any previous review under RCW 90.03.380 of the water right and future temporary or permanent beneficial uses;

(c) The request is consistent with any condition, limitation, or agreement affecting the water right, including but not limited to any trust water right transfer agreement executed at the time the water right was transferred to the trust water rights program; and

(d) The request is accompanied by and is consistent with an assignment of interest or portion thereof from a person or entity retaining an interest in the trust water right or portion thereof to the party requesting transfer of the water right or portion thereof.

(2) The priority date of the water right or portion thereof transferred by the department from the trust water program for water banking purposes shall be the priority date of the underlying water right.

(3) The department shall issue documentation for that water right or portion thereof to the new water right holder based on the requirements applicable to the transfer of other water rights from the trust water rights program. Such documentation shall include a description of the property to which the water right will be appurtenant after the water right or portion thereof is transferred from the trust water program to a third party.

(4) The department's decision on the transfer of a water right or portion thereof from the trust water program for water banking purposes may be appealed to the pollution control hearings board under RCW 43.21B.230, or to a superior court conducting a general adjudication under RCW 90.03.210.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington state where water banking could assist in providing water supplies for instream and out-of-stream uses. The department shall summarize any comments received on water banking and submit a report, including any recommendations, to the appropriate committees of the legislature for their consideration in the subsequent legislative session.

(2) By December 31st of every even-numbered year, the department shall submit a report to the appropriate committees of the legislature on water banking activities authorized under section 2 of this act. The report shall:

(a) Evaluate the effectiveness of water banking in meeting the policies and objectives of this chapter;

(b) Describe any statutory, regulatory, or other impediments to water banking in other areas of the state;

and

(c) Identify other basins or regions that may benefit from authorization for the department to use the trust water program for water banking purposes.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.42 RCW to read as follows:

Nothing in this act shall:

(1) Cause detriment or injury to existing rights or to the operation of the federal Yakima project to provide water for irrigation purposes, existing water supply contracts, or existing water rights;

(2) Diminish in any way existing rights or the total water supply available for irrigation and other purposes in the Yakima basin;

(3) Affect or modify the authority of a court conducting a general adjudication pursuant to RCW 90.03.210; or

(4) Affect or modify the rights of any person or entity under a water rights adjudication or under any order of the court conducting a water rights adjudication.

**NEW SECTION. Sec. 7.** Nothing in this act may be construed to:

(1) Affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under state or federal law;

(2) Affect or modify the rights or jurisdictions of the United States, the state of Washington, the Yakama Nation, or other person or entity over waters of any river or stream or over any ground water resource;

(3) Alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the states;

(4) Alter, establish, or impair the respective rights of states, the United States, the Yakama Nation, or any other person or entity with respect to any water or water-related right;

(5) Alter, diminish, or abridge the rights and obligations of any federal, state, or local agency, the Yakama Nation, or other person or entity;

(6) Affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(7) Affect or modify the settlement agreement between the United States and the state of Washington filed in Yakima county superior court with regard to federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members; or

(8) Affect or modify the rights of any federal, state, or local agency, the Yakama Nation, or any other person or entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including *State v. Acquavella*, or constitute evidence in any such proceeding in which any water or water-related right is adjudicated.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 90.42.005; adding new sections to chapter 90.42 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1640 as amended by the Senate.

Representative Rockefeller spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1640, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1694, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.110 and 2000 c 47 s 4 are each amended to read as follows:

The department shall make or cause to be made, at least ~~((a yearly))~~ every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may



include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.20.110."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1694 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1694 as amended by the Senate.

Representatives Morrell and Cody spoke in favor of the passage of the bill.

Representative Pflug spoke against the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Benson, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Chandler, Condotta, Cox, DeBolt, Hinkle, Holmquist, McMahan, McMorris, Mielke, Pflug, Schindler, Sehlin, Shabro, and Talcott - 21.

SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1734, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The intent of the adoption of the International Building Code by the legislature is to remain consistent with state laws regulating construction, including electrical, plumbing, and

energy codes established in chapters 19.27, 19.27A, and 19.28 RCW. The International Building Code references the International Residential Code for provisions related to the construction of single and multiple-family dwellings. No portion of the International Residential Code shall supersede or take precedent over provisions in chapter 19.28 RCW, regulating the electrical code; nor provisions in RCW 19.27.031(4), regulating the plumbing code; nor provisions in chapter 19.27A RCW, regulating the energy code.

(2) It is in the state's interest and consistent with the state building code act to have in effect provisions regulating the construction of single and multiple-family residences. It is the legislative intent that the state building code council adopt the International Residential Code through rule making granted in RCW 19.27.074, consistent with state law regulating construction for electrical, plumbing, and energy codes, and other state and federal laws regulating single and multiple-family construction.

(3) In accordance with RCW 19.27.020, the state building code council shall promote fire and life safety in buildings consistent with accepted standards. In adopting the codes for the state of Washington, the state building code council shall consider provisions related to fire fighter safety published by nationally recognized organizations. The state building code council shall review all nationally recognized codes as set forth in RCW 19.27.074.

(4) The legislature finds that building codes are an integral component of affordable housing. In accordance with this finding, the state building code council shall consider and review building code provisions related to improving affordable housing.

**Sec. 2.** RCW 19.27.031 and 1995 c 343 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) ~~((Uniform))~~ (a) ~~The International Building Code ((and Uniform Building Code Standards)), published by the International ((Conference of Building Officials)) Code Council Inc.;~~

~~(b) The International Residential Code, published by the International Code Council, Inc.;~~

(2) ~~((Uniform))~~ ~~The International Mechanical Code, ((including Chapter 13, Fuel Gas Piping, Appendix B-)) published by the International ((Conference of Building Officials)) Code Council Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);~~

(3) ~~The ((Uniform)) International Fire Code ((and Uniform Fire Code Standards)), published by the International ((Fire Code Institute)) Code Council Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;~~

(4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That ~~((chapters 11 and 12))~~ any provisions of such code affecting sewers or fuel gas piping are not adopted; and

(5) The rules ~~((and regulations))~~ adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically ~~((handicapped))~~ disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders to ensure that fire fighter safety issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

**Sec. 3.** RCW 19.27.080 and 1990 c 33 s 555 are each amended to read as follows:

Nothing in this chapter affects the provisions of chapters 19.27A, 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, 76.04, 90.76 RCW, or RCW 28A.195.010, or grants rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

**Sec. 4.** RCW 19.27.110 and 1975-'76 2nd ex.s. c 37 s 1 are each amended to read as follows:

Each county government shall administer and enforce the ~~((uniform))~~ International Fire Code in the unincorporated areas of the county: PROVIDED, That any political subdivision or municipal corporation providing fire protection pursuant to RCW 14.08.120 shall, at its sole option, be responsible for administration and enforcement of the ~~((uniform))~~ International Fire Code on its facility. Any fire protection district or political subdivision may, pursuant to chapter 39.34 RCW, the interlocal cooperation act, assume all or a portion of the administering responsibility and coordinate and cooperate with the county government in the enforcement of the ~~((uniform))~~ International Fire Code.

It is not the intent of RCW 19.27.110 and 19.27.111 to preclude or limit the authority of any city, town, county, fire protection district, state agency, or political subdivision from engaging in those fire prevention activities with which they are charged.

It is not the intent of the legislature by adopting the state building code or RCW 19.27.110 and 19.27.111 to grant counties any more power to suppress or extinguish fires than counties currently possess under the Constitution or other statutes.

Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to RCW 19.27.110 and 19.27.111."

On page 1, line 1 of the title, after "codes;" strike the remainder of the title and insert "amending RCW 19.27.031, 19.27.080, and 19.27.110; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1734 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1734 as amended by the Senate.

Representative Romero spoke in favor of the passage of the bill.

Representative Cooper spoke against the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1734, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Woods and Mr. Speaker - 87.

Voting nay: Representatives Campbell, Chase, Conway, Cooper, Hudgins, Kenney, Kirby, McCoy, Simpson, Wallace, and Wood - 11.

SUBSTITUTE HOUSE BILL NO. 1734, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1734.

VELMA VELORIA, 11<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1734.

KATHY HAIGH, 35<sup>th</sup> District

### **SENATE AMENDMENTS TO HOUSE BILL**

Mr. Speaker:

April 15, 2003

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 16.49 RCW to read as follows:

(1) This chapter does not apply to the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm.

(2) For the purposes of this section, "chicken" means the species *Gallus domesticus*.

**NEW SECTION. Sec. 2.** A new section is added to chapter 69.07 RCW to read as follows:

(1) A special, temporary permit issued by the department under this section is required for the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm, and for such sale. Such activities shall not be conducted without the permit. However, if the activities are conducted under such a permit, the activities are exempted from any other licensing requirements of this chapter.

(2)(a) The department must adopt by rule requirements for a special, temporary permit for the activities described in subsection (1) of this section. The requirements must be generally patterned after those established by WAC 246-215-190 as it exists on the effective date of this section for temporary food service establishments, but must be tailored specifically to these slaughter, preparation, and sale activities. The requirements must include, but are not limited to, those for: Cooling procedures, when applicable; sanitary facilities, equipment, and utensils; clean water; washing and other hygienic practices; and waste and wastewater disposal.

(b) The rules must also identify the length of time such a permit is valid. In determining the length of time, the department must take care to ensure that it is adequate to accommodate the seasonal nature of the permitted activities. In adopting any rule under this section, the department must also carefully consider the economic constraints on the regulated activity.

(3) The department shall conduct such inspections of the activities permitted under this section as are reasonably necessary to ensure compliance with permit requirements.

(4) The fee for a special permit issued under this section is seventy-five dollars.

(5) For the purposes of this section, "chicken" means the species *Gallus domesticus*."

On page 1, beginning on line 1 of the title, after "poultry;" strike the remainder of the title and insert "adding a new section to chapter 16.49 RCW; and adding a new section to chapter 69.07 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1754 as amended by the Senate.

Representative Eickmeyer spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1755, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of a county, city, or town planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any city or town within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the city or town urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing city or town or one or more cities or towns.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city or town, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city or town and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 2 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 1 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 1 of this act; and

(b) The affected city or town legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or

(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 1 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city or town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the

county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 1(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the provisions of RCW 35.13.070 and 35.13.080, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

(7) Costs for an election required under subsection (6) of this section shall be borne by the county.

**NEW SECTION.** **Sec. 3.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of a county or code city planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any code city within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the code city urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing code city or one or more cities or towns.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 4 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of

general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

**NEW SECTION. Sec. 4.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 3 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 3 of this act; and  
(b) The affected city legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or  
(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 3 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 3(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

(7) Costs for an election required under subsection (6) of this section shall be borne by the county.

**Sec. 5.** RCW 36.70A.110 and 1997 c 429 s 24 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only

if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

On page 1, line 2 of the title, after "territory;" strike the remainder of the title and insert "amending RCW 36.70A.110; adding new sections to chapter 35.13 RCW; and adding new sections to chapter 35A.14 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1755 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1755 as amended by the Senate.



Representative Romero spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Dickerson was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1755, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 1755, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1826, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.220.010 and 2002 c 115 s 2 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and ~~((marital))~~ personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and ~~((marital))~~ personal history information is available upon request. The notice that background check and ~~((marital))~~ personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her ~~((marital))~~ personal history information. The organization shall require the resident to affirm that ~~((marital))~~ personal history information is complete and accurate~~((, and includes any information regarding marriages, annulments, and dissolutions which occurred in other states or countries))~~. The organization shall refrain from knowingly providing any further services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "~~(Marital)~~ Personal history information" means a declaration of the person's current marital status, the number of ~~((times))~~ previous marriages, annulments, and dissolutions for the person ~~((has previously been married))~~, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter 10.14, 10.99, or 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services."

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 19.220.010."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1826 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1826 as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1826, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 1826, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1905, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.36.060 and 1995 c 306 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

~~((+)) (a) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; (and)~~

~~(b) All the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance;~~

~~(c) All fire engines and other implements used for the extinguishment of fire, and the buildings used exclusively for their safekeeping, and for meetings of fire companies, as long as the property belongs to any city or town or to a fire company; and~~

~~(d) All property owned by humane societies in this state in actual use by the societies.~~

~~((+)) (2) To receive (this) an exemption under subsection (1)(a) or (b) of this section:~~

~~(a) An organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public.~~

~~(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:~~

~~(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;~~

~~(ii) Itemized reasons for the proposed construction or remodeling;~~

~~(iii) Clearly established plans for financing the construction or remodeling; or~~

~~(iv) Building permits.~~

~~((e) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.~~

~~(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein.)~~

~~(3) ((Property owned by humane societies in this state in actual use by such societies)) The use of property exempt under subsection (1)(a) or (b) of this section by entities not eligible for a property tax exemption under this chapter, except as provided in this section, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified if:~~

~~(a) The property is used by entities not eligible for a property tax exemption under this chapter for periods of not more than twenty-five days in the calendar year;~~

~~(b) The property is not used for pecuniary gain or to promote business activities for more than seven of the twenty-five days in the calendar year;~~

~~(c) The property is used for artistic, scientific, or historic purposes, for the production and performance of musical, dance, artistic, dramatic, or literary works, or for community gatherings or assembly, or meetings; and~~

~~(d) The amount of any rent or donations is reasonable and does not exceed maintenance and operation expenses created by the user.~~

**Sec. 2.** RCW 84.36.805 and 2001 1st sp.s. c 7 s 2 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter ~~((and RCW 84.36.560)),~~ the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) ~~((and)),~~ 84.36.037, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The property must be irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption. This property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption under this chapter or RCW 84.36.560 for leased property, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption.

(4) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(5) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(6) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(7) The department shall have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter (~~and RCW 84.36.560~~).

(8) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, and 84.36.260."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "works;" strike the remainder of the title and insert "and amending RCW 84.36.060 and 84.36.805."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1905 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1905 as amended by the Senate.

Representative Gombosky spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1905, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.  
Excused: Representative Dickerson - 1.

HOUSE BILL NO. 1905, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 10, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2067, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

After June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in section 2 of this act, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW to read as follows:

(1) On a pilot project basis, the use of water for domestic use in clustered residential developments is exempt as described in subsection (2) of this section from the permit requirements of RCW 90.44.050 in Whitman county. The department must review the use of water under this section and its impact on water resources in the county and report to the legislature by December 31st of each even-numbered year through 2016 regarding its review.

(2) For the pilot project, the domestic use of water for a clustered residential development is exempt from the permit requirements of RCW 90.44.050 for an amount of water that is not more than one thousand two hundred gallons a day per residence for a residential development that has an overall density equal to or less than one residence per ten acres and a minimum of six homes.

(3) No new right to use water may be established for a clustered development under this section where the first residential use of water for the development begins after December 31, 2015."

On page 1, line 2 of the title, after "developments;" strike the remainder of the title and insert "amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2067 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2067 as amended by the Senate.

Representative Schoesler spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2067, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

ENGROSSED HOUSE BILL NO. 2067, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2073, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 40.14.070 and 1999 c 326 s 2 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention,

preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 40.14.070."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2073 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2073 as amended by the Senate.

Representative Schoesler spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2073, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

HOUSE BILL NO. 2073, as amended by the Senate, having received the constitutional majority, was declared passed.

**SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2094, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9A.16 RCW to read as follows:

(1) In a criminal action brought against the detainer by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music festival or related campground for the purpose of pursuing an investigation or questioning by a law enforcement officer as to the lawfulness of the consumption or possession of alcohol or illegal drugs, it is a defense that the detained person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music festival had reasonable grounds to believe that the person so detained was unlawfully consuming or attempting to unlawfully consume or possess, alcohol or illegal drugs on the premises.

(2) For the purposes of this section:

(a) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the person detained does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the person does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(b) "Outdoor music festival" has the same meaning as in RCW 70.108.020, except that no minimum time limit is required.

(c) "Reasonable grounds" include, but are not limited to:

(i) Exhibiting the effects of having consumed liquor, which means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(A) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(B) Is shown by other evidence to have recently consumed liquor; or

(ii) Exhibiting the effects of having consumed an illegal drug, which means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug, and either:

(A) Is in possession of an illegal drug; or

(B) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Reasonable time" means the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to allow a law enforcement officer to determine the lawfulness of the consumption or possession of alcohol or illegal drugs. "Reasonable time" may not exceed one hour.

**NEW SECTION. Sec. 2.** A new section is added to chapter 4.24 RCW to read as follows:

(1) In a civil action brought against the detainer by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music festival or related campground for the purpose of investigation or questioning as to the lawfulness of the consumption or possession of alcohol or illegal drugs, it is a defense that the detained person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music festival had reasonable grounds to believe that the person so detained was unlawfully consuming or attempting to unlawfully consume or possess, alcohol or illegal drugs on the premises.

(2) For the purposes of this section:

(a) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the person detained does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the person does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(b) "Outdoor music festival" has the same meaning as in RCW 70.108.020, except that no minimum time limit is required.

(c) "Reasonable grounds" include, but are not limited to:



(i) Exhibiting the effects of having consumed liquor, which means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(A) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(B) Is shown by other evidence to have recently consumed liquor; or

(ii) Exhibiting the effects of having consumed an illegal drug, which means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug, and either:

(A) Is in possession of an illegal drug; or

(B) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Reasonable time" means the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to allow a law enforcement officer to determine the lawfulness of the consumption or possession of alcohol or illegal drugs. "Reasonable time" may not exceed one hour."

On page 1, line 2 of the title, after "investigation;" strike the remainder of the title and insert "adding a new section to chapter 9A.16 RCW; and adding a new section to chapter 4.24 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2094 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2094 as amended by the Senate.

Representatives Holmquist and O'Brien spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2094, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Hudgins - 2.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 2094, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2111, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that ten years have passed since the state attempted to redefine the relationship with its institutions of higher education based on trust, evidence, and a new alignment of responsibilities, as articulated in chapter 363, Laws of 1993.

(2) However, the legislature also finds that the intent to combine institutional flexibility and authority to make decisions at the local level with accountability for achieving statewide goals and objectives has never been fully achieved, in part because there has not been an operating mechanism through which to implement this relationship.

(3) Therefore, the legislature intends to explore opportunities to create performance contracts between the state and public institutions of higher education. It is the intent of the legislature that such a contract would constitute a negotiated agreement between the state and an institution, where the state's primary interest would lie not in the management and operations of an institution, but in the institution's contribution to achieving agreed-upon statewide goals and objectives for higher education.

NEW SECTION. Sec. 2. (1) A work group on higher education performance contracts is established. The work group shall consist of members as follows:

- (a) The members of the house and senate higher education and fiscal committees;
- (b) One representative of the higher education coordinating board, appointed by the board;
- (c) One representative of the state board for community and technical colleges, appointed by the state board;
- (d) Two representatives of public four-year institutions of higher education, appointed by the council of presidents;
- (e) Two representatives of the community and technical colleges, appointed by the Washington association of community and technical colleges; and
- (f) One representative of the governor's office and one representative of the office of financial management, each appointed by the governor.

(2) The work group may invite input from other interested parties, including but not limited to faculty and student representatives and representatives of the business community. Within available funds, the work group may obtain additional expertise or engage consultants if necessary to carry out its work.

(3) The work group shall:

- (a) Examine the experience of other states in developing and implementing performance contracts with institutions of higher education;
  - (b) Consider the feasibility of implementing performance contracts in Washington;
  - (c) Identify whether amendments to current laws may be necessary to implement performance contracts;
- and

- (d) Develop guidelines and possible models for performance contracts, including:
  - (i) The types of indicators and benchmarks that could be included in a contract to measure an institution's progress in meeting the contract's objectives; and
  - (ii) The types of flexibility, exemptions, or commitments that could be included in a contract to reflect the state's obligation to an institution.

(4) The work group shall use legislative facilities and staff from senate committee services and the office of program research. Each nonlegislative member of the work group shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Travel expenses for the nonlegislative members shall be paid by their respective institutions or agencies.

(5) The work group shall report its findings and recommendations to the higher education and fiscal committees of the legislature by December 15, 2003.

NEW SECTION. Sec. 3. This act expires June 30, 2004."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2111 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2111 as amended by the Senate.

Representatives Priest and Kenney spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2111, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 2111, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2118, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.240 and 2000 c 142 s 2 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(5), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) Any domestic brewery licensed under this section may contract- produce beer for a brand owner of malt beverages defined under RCW 66.04.010(5), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(4)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (4)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**Sec. 2.** RCW 66.24.244 and 1998 c 126 s 3 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer of its own production. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) The board may issue an endorsement to this license allowing for on-premises consumption of beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

(4) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated either as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (5) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (5) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its

farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (5):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

**NEW SECTION. Sec. 3.** A new section is added to chapter 66.28 RCW to read as follows:  
Licensed beer distributors may not buy or sell beer, for purposes of distribution, at farmers market locations authorized by the board pursuant to this act."

On page 1, line 1 of the title, after "markets;" strike the remainder of the title and insert "amending RCW 66.24.240 and 66.24.244; and adding a new section to chapter 66.28 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2118 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2118 as amended by the Senate.

Representative Newhouse spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2118, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative McMahan - 1.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 2118, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2132, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 and 2000 c 143 s 2 are each reenacted and amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; ~~((¶))~~

~~((¶))~~ (b) Projects in excess of one hundred million dollars for port districts formed under chapter 53.04 RCW;

(c) A regional transit authority authorized under RCW 81.112.030; or

(d) Projects in excess of one hundred million dollars for counties with a population over one million, for projects administered for public hospitals.

**Sec. 2.** RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; ~~((or))~~

(b) A regional transit authority authorized under RCW 81.112.030; or

(c) Projects in excess of one hundred million dollars for counties with a population over one million, for projects administered for public hospitals.

NEW SECTION. **Sec. 3.** Section 1 of this act expires December 31, 2006.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect December 31, 2006."

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 48.30.270; reenacting and amending RCW 48.30.270; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2132 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2132 as amended by the Senate.

Representative Kenney spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2132, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Schual-Berke and Upthegrove - 2.

Excused: Representative Dickerson - 1.

SUBSTITUTE HOUSE BILL NO. 2132, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2003]

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2146, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department effective for the period July 1st through June 30th, or a county that has a population of less than two hundred twenty-five thousand as determined by the office of financial management and has an area greater than two hundred twenty-five square miles.

(4)(a) "Eligible investment project" means an investment project in an eligible area.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma- arsenic.

**NEW SECTION. Sec. 2.** (1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department.

(2) The department shall rule on the application within sixty days. The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

**NEW SECTION. Sec.3.** (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that is located in an eligible area as defined in section 1 of this act, if the investment project is undertaken for the purpose of manufacturing wood biomass fuel.

(2) This section expires July 1, 2009.

**NEW SECTION. Sec. 4.** (1) For the purposes of this section:



(a) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020 or a county containing a community empowerment zone.

(b) "Eligible investment project" means an investment project undertaken for the purpose of manufacturing wood biomass fuel that is located in an eligible area.

(c) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire year.

(2) In addition to the provisions of section 3 of this act, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

**NEW SECTION. Sec. 5.** (1) Each recipient of a deferral granted under this chapter after June 30, 2003, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project are immediately due. For any taxes that are due, penalties and interest applicable to delinquent excise taxes shall be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(3) Deferred taxes need not be repaid if the department determines, in accordance with the provisions of subsection (1) of this section, that the recipient has met the requirements of this chapter for the seven calendar years following the certification by the department that the investment project has been operationally completed.

**NEW SECTION. Sec. 6.** The employment security department shall make, and certify to the department of revenue, all determinations of employment and wages as requested by the department under this chapter.

**NEW SECTION. Sec. 7.** Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION. Sec. 8.** Applications, reports, and any other information received by the department under this chapter shall not be confidential and shall be subject to disclosure.

**NEW SECTION. Sec. 9.** A new section is added to chapter 84.36 RCW to read as follows:

(1) For the purposes of this section, "wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic.

(2)(a) All buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of wood biomass fuel, the land upon which this property is located, and land that is reasonably necessary in the manufacturing of wood biomass fuel, but not land necessary for growing of crops, which together comprise a new manufacturing facility or an addition to an existing manufacturing facility, are exempt from property taxation for the six assessment years following the date on which the facility or the addition to the existing facility becomes operational.

(b) For manufacturing facilities which produce products in addition to wood biomass fuel, the amount of the property tax exemption shall be based upon the annual percentage of the total value of all products manufactured that is the value of the wood biomass fuel manufactured.

(3) Claims for exemptions authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption is valid for six years and shall not be renewed. The assessor shall verify and approve claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, 2009.

The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as necessary to properly administer this section.

**Sec. 10.** RCW 82.29A.135 and 1985 c 371 s 3 are each amended to read as follows:

(1) For the purposes of this section~~(-)~~:

(a) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements, and machines or implements of husbandry.

(b) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma- arsenic.

(2)(a) All leasehold interests in buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, wood biomass fuel, the land upon which ~~((such))~~ this property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, wood biomass fuel, but not land necessary for growing of crops, which together comprise a new ~~((alcohol))~~ manufacturing facility or an addition to an existing ~~((alcohol))~~ manufacturing facility, are exempt from leasehold taxes for a period of six years from the date on which the facility or the addition to the existing facility becomes operational.

(b) For ~~((alcohol))~~ manufacturing facilities which produce ~~((alcohol for use as))~~ products in addition to alcohol fuel ~~((and alcohol used for other purposes))~~, wood biomass fuel, the amount of the leasehold tax exemption shall be based upon ~~((an annually determined percentage of the total gallons of alcohol produced that is sold and used as alcohol fuel))~~ the annual percentage of the total value of all products manufactured that is the value of the alcohol fuel or wood biomass fuel manufactured.

(3) Claims for exemptions authorized by this section shall be filed with the department of revenue on forms prescribed by the department of revenue and furnished by the department of revenue. Once filed, the exemption is valid for six years and shall not be renewed. The department of revenue shall verify and approve ~~((such))~~ claims as the department of revenue determines to be justified and in accordance with this section. No claims may be filed after December 31, ~~((1992))~~ 2009.

The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as are necessary to properly administer this section.

**Sec. 11.** RCW 82.04.260 and 2001 2nd sp.s. c 25 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; ~~((and))~~

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts received from the retail sale, or for the distribution, of wood biomass fuel.

(2) For the purposes of this act, the following definitions apply:

(a) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma- arsenic.

(b) "Distribution" means any of the actions specified in RCW 82.36.020(2).

(3) This section expires July 1, 2009.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment, or to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or machinery and equipment, or to sales of tangible personal property that becomes an ingredient or component of structures or machinery and equipment, if the machinery, equipment, or structure is used directly for the retail sale of a wood biomass fuel blend. Structures and machinery and equipment that are used for the retail sale of a wood biomass fuel blend and for other purposes are exempt only on the portion used directly for the retail sale of a wood biomass fuel blend.

(2) The tax levied by RCW 82.08.020 does not apply to sales of fuel delivery vehicles or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles including repair parts and replacement parts if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, the definitions in section 1 of this act and this subsection apply.

(a) "Wood biomass fuel blend" means fuel that contains at least twenty percent wood biomass fuel by volume.

(b) "Machinery and equipment" means industrial fixtures, devices, and support facilities and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts that are integral and necessary for the delivery of a wood biomass fuel blend into the fuel tank of a motor vehicle.

(5) This section expires July 1, 2009.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of machinery and equipment, or to services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, or tangible personal property that becomes an ingredient or component of machinery and equipment used directly for the retail sale of a wood biomass fuel blend.

(2) The provisions of this chapter do not apply in respect to the use of fuel delivery vehicles including repair parts and replacement parts and to services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) For the purposes of this section, the definitions in section 13 of this act apply.

(4) This section expires July 1, 2009.

**NEW SECTION. Sec. 15.** Section 9 of this act applies to taxes levied for collection in 2004 and thereafter.

**NEW SECTION. Sec. 16.** (1) Sections 9 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

(2) Sections 1 through 8 of this act take effect July 1, 2004.

**NEW SECTION. Sec. 17.** Sections 1 through 8 of this act are null and void if the legislature passes and the governor signs any bill into law before July 1, 2004, that extends the expiration date in RCW 82.60.050.

**NEW SECTION. Sec. 18.** Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW."

On page 1, line 2 of the title, after "sale;" strike the remainder of the title and insert "amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new

chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2146 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2146 as amended by the Senate.

Representative Tom spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2146, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehnlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Delvin - 1.

Excused: Representative Dickerson - 1.

ENGROSSED HOUSE BILL NO. 2146, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4012, with the following amendment:

On page 1, line 2, after "STATE" strike the remainder of the memorial and insert "AND TO THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The effect of child sexual abuse on victims is devastating and the subsequent investigation, prosecution, and advocacy involving child victims should be implemented in a manner so as to not further traumatize victims;

WHEREAS, State guidelines and protocols have been established pursuant to chapter 389, Laws of 1999 (Senate Bill No. 5127); and

WHEREAS, Children's Advocacy Centers are a multidisciplinary private-public partnership designed to improve outcomes for child victims of sexual abuse; and

WHEREAS, The purposes of Children's Advocacy Centers are to:

(1) Develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the investigation, treatment, and prosecution of intrafamilial and extrafamilial child sexual abuse cases;

- (2) Obtain evidence useful for both criminal prosecution as well as protection action in civil proceedings;
- (3) Reduce to the absolute minimum the number of interviews of child sexual abuse victims so as to minimize revictimization of the child;
- (4) Coordinate the medical and therapeutic treatment program for child sexual abuse victims and their nonoffending family members;
- (5) Provide for a multidisciplinary team and case management approach which is focused first on the alleged or suspected child sexual abuse victim's needs and conditions, second on the family members who are supportive of the child and whose interests are consistent with the best interests of the child, and third on law enforcement and prosecutorial needs;
- (6) Provide for training and continued education of skilled professional interviewers and investigators of child sexual abuse victims; and
- (7) Serve as a focus of information and referral for child sexual abuse; and

WHEREAS, In recognition that child abuse is a complex problem, Children's Advocacy Centers may also investigate cases involving other forms of child abuse and neglect;

NOW, THEREFORE, Your Memorialists respectfully encourage counties, local governments, and the Department of Social and Health Services to help facilitate the creation and operation of Children's Advocacy Centers which are members of the National Children's Alliance, and to help ensure the participation of their relevant employees in these Centers, to improve outcomes for child victims of sexual abuse;

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the legislative authorities of the counties and local governments of Washington State and to the Secretary of the Department of Social and Health Services."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 4012 and advanced the joint memorial as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Joint Memorial No. 4012 as amended by the Senate.

Representative Kagi spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4012, as amended by the Senate, and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

HOUSE JOINT MEMORIAL NO. 4012, as amended by the Senate, having received the constitutional majority, was declared passed.

The House immediately resumed consideration of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001.

Representatives Lantz, McMahan, McDermott and McDonald spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1001, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dickerson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, the Committee on Criminal Justice & Corrections was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5990, and the bill was referred to the Committee on Appropriations.

### **RESOLUTION**

HOUSE RESOLUTION NO. 2003-4658, by Representatives Holmquist, Armstrong, Condotta, Hinkle and Anderson

WHEREAS, The men and women of the Washington Army National Guard's 1161st Transportation Company continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in Ephrata, Washington, and elsewhere across the state, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues to be prepared to answer the state's call in response to floods, fires, civil disturbances, and all other natural or manmade emergencies and disasters; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company has provided additional security at our state's airports, at our international borders, and at numerous locations across the globe in protection of our state and nation in answer to the war on terrorism and response to the horrific terrorist attacks on our nation on September 11, 2001; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective programs with school-aged children and community-based organizations; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues an active participation in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment in support of many local, state, and federal law enforcement agencies; and

WHEREAS, Select members of the Washington Army National Guard's 1161st Transportation Company are now called upon to serve in critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington Army

National Guard's 1161st Transportation Company soldiers for their support without which the 1161st Transportation Company missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value and dedication of a strong Washington Army National Guard's 1161st Transportation Company to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Commanding officer of the 1161st Transportation Company, The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

HOUSE RESOLUTION NO. 4658 was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) Except for community and technical colleges, each degree-granting public or private postsecondary residential campus that provides on-campus or group housing shall provide information on meningococcal disease to each enrolled matriculated first-time student. Community and technical colleges must provide the information only to those students who are offered on-campus or group housing. The information about meningococcal disease shall include:

(a) Symptoms, risks, especially as the risks relate to circumstances of group living arrangements, and treatment; and

(b) Information on the vaccination that may prevent the student from contracting the disease, that students in the high-risk group consider receiving the vaccine, and where the vaccination can be received.

(2) This section shall not be construed to require the department of health or the postsecondary educational institution to provide the vaccination to students.

(3) The department of health shall be consulted regarding the preparation of the information materials provided to the first-time students.

(4) If institutions provide electronic enrollment or registration to first-time students, the information required by this section shall be provided electronically and acknowledged by the student before completion of electronic enrollment or registration.

(5) This section does not create a private right of action.

NEW SECTION. Sec. 2. This act takes effect July 1, 2004."

On page 1, line 3 of the title, after "institutions;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:



The Senate has passed HOUSE JOINT MEMORIAL NO. 4021, with the following amendment:

Beginning on page 1, after line 10, strike all material through "Washington." on page 3, line 2, and insert the following:

"WHEREAS, The State of Washington's economy is constructed on affordable and reliable electricity; and

WHEREAS, Energy prices in the Northwest are threatening businesses and industries, including aluminum companies; and

WHEREAS, The Bonneville Power Administration is proposing yet another rate increase to go into effect on October 1, 2003; and

WHEREAS, The proposed increase is 15% more than the current rates, which are already extremely high due to the more than 50% increase that has already occurred in the last couple of years; and

WHEREAS, This increase will cost the state's economy one billion dollars over the next three years; and

WHEREAS, Many industries moved to Washington to take advantage of low-cost hydroelectric power. They are now paying more for power in Washington than in most of their other locations in the nation; and

WHEREAS, Without affordable energy for these industries (aluminum, pulp and paper, aerospace, agriculture, etc.), thousands of family-wage jobs will be lost; and

WHEREAS, Many of these jobs are in rural and economically challenged areas. These industries are at the core of many Northwest communities and provide the foundation for numerous secondary employment opportunities and also provide substantial tax revenues; and

WHEREAS, The proposed rate increase will do more than jeopardize high paying jobs. The nation is suffering a severe recession and the Pacific Northwest is already the hardest hit region in the country; and

WHEREAS, Any increase in Bonneville Power Administration rates will only slow or prevent economic recovery as well as exacerbate the state's budget crisis; and

WHEREAS, The Bonneville Power Administration has the tools available to meet all of its legal obligations, including protecting fish and wildlife, without raising rates; and

WHEREAS, As a result of its \$500 million in prepayments to Treasury to avoid a rate increase, the Bonneville Power Administration can cut costs (not just slow its rate of growth) and utilize its newly acquired additional borrowing authority and the flexibility it has garnered; and

WHEREAS, This region simply cannot support an additional billion dollar hit to its economy over the next three years;

NOW, THEREFORE, Your Memorialists respectfully communicate their request for the Bonneville Power Administration to refrain from adopting rate increases at this time, unless absolutely necessary to preserve its bond rating, and to use other tools at its disposal to manage costs until economic recovery is in sight.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Steven Wright, Administrator of the Bonneville Power Administration, Spencer Abraham, Secretary of Energy, Tom Ridge, Secretary of the Department of Homeland Security, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to HOUSE JOINT MEMORIAL NO. 4021 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1250, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.90.480 and 1998 c 185 s 2 are each amended to read as follows:

Except as otherwise provided by this chapter, annual rent rates for the lease of state-owned aquatic lands for water-dependent uses shall be determined as follows:

(1)(a) The assessed land value, exclusive of improvements, as determined by the county assessor, of the upland tax parcel used in conjunction with the leased area or, if there are no such uplands, of the nearest upland tax parcel used for water-dependent purposes divided by the parcel area equals the upland value.

(b) The upland value times the area of leased aquatic lands times thirty percent equals the aquatic land value.

(2) As of July 1, 1989, and each July 1 thereafter, the department shall determine the real capitalization rate to be applied to water-dependent aquatic land leases commencing or being adjusted under subsection (3)(a) of this section in that fiscal year. The real capitalization rate shall be the real rate of return, except that until June 30, 1989, the real capitalization rate shall be five percent and thereafter it shall not change by more than one percentage point in any one year or be more than seven percent or less than three percent.

(3) The annual rent shall be:

(a) Determined initially, and redetermined every four years or as otherwise provided in the lease, by multiplying the aquatic land value times the real capitalization rate; and

(b) Adjusted by the inflation rate each year in which the rent is not determined under subsection (3)(a) of this section.

(4) If the upland parcel used in conjunction with the leased area is not assessed or has an assessed value inconsistent with the purposes of the lease, the nearest comparable upland parcel used for similar purposes shall be substituted and the lease payment determined in the same manner as provided in this section.

(5) For the purposes of this section, "upland tax parcel" is a tax parcel, some portion of which has upland characteristics. Filled tidelands or shorelands with upland characteristics which abut state-owned aquatic land shall be considered as uplands in determining aquatic land values.

(6) The annual rent for filled state-owned aquatic lands that have the characteristics of uplands shall be determined in accordance with RCW 79.90.500 in those cases in which the state owns the fill and has a right to charge for the fill.

~~(7)(a) For leases for marina uses only, ((beginning on June 11, 1998)) as of July 1, 2004, ((the annual rental rates in effect on December 31, 1997, shall remain in effect until July 1, 1999, at which time the annual water-dependent rent shall be determined by the method in effect at that time. In order to be eligible for the rate to remain at this level, a marina lease must be in good standing, meaning that the lessee must be current with payment of rent, the lease not expired or in approved holdover status, and the lessee not in breach of other terms of the agreement)) lease rates will be a percentage of the annual gross revenues generated by that marina. It is the intent of the legislature that additional legislation be enacted prior to July 1, 2004, to establish the percentage of gross revenues that will serve as the basis for a marina's rent and a definition of gross revenues. Annual rent must be recalculated each year based upon the marina's gross revenues from the previous year, as reported to the department consistent with this subsection (7).~~

~~(b) By December 31, 2003, the department will develop a recommended formula for calculating marina rents consistent with this subsection (7) and report the recommendation to the legislature. The formula recommended by the department must include a percentage or a range of percentages of gross revenues, a system for implementing such percentages, and the designation of revenue sources to be considered for rent calculation purposes. The department must also ensure, given the available information, that the rent formula recommended by the department is initially calculated to maintain state proceeds from marina rents as of July 1, 2003, and that if the department does not receive income reporting forms representing at least ninety percent of the projected annual marina revenue and at least seventy-five percent of all marinas, the current model for calculating marina rents, as described in subsections (1) through (6) of this section, will continue to be the method used to calculate marina rents, and the income method, as described in (a) of this subsection, will not be applied. In addition to the percent of marina income, the department shall determine its direct administrative costs (cost of hours worked directly on applications and leases, based on salaries and benefits, plus travel reimbursement and other actual out-of-pocket costs) to calculate, audit, execute, and monitor marina leases, and shall recover these costs from lessees. All administrative costs recovered by the department must be deposited into the resource management cost account created in RCW 79.64.020. Prior to making recommendations to the legislature, a work session consisting of the department, marina owners, and stakeholders must be convened to discuss the rate-setting criteria. The legislature directs the department to deliver recommendations to the legislature by December 2003, including any minority reports by the participating parties.~~

~~(c) When developing its recommendation for a marina lease formula consistent with this subsection (7), the department shall ensure that the percentage of revenue established is applied to the income of the direct lessee, as well as to the income of any person or entity that subleases, or contracts to operate the marina, with the direct lessee, less the amount paid by the sublease to the direct lessee.~~

~~(d) All marina operators under lease with the department must return to the department an income reporting form, provided by the department, and certified by a licensed certified public accountant, before July 1, 2003, and again annually on a date set by the department. On the income reporting form, the department may require a marina to disclose to the department any information about income from all marina-related sources, excluding restaurants and bars. All income reports submitted to the department are subject to either audit or verification, or both, by the department, and the department may inspect all of the lessee's books, records, and documents, including state and federal income tax returns relating to the operation of the marina and leased~~

aquatic lands at all reasonable times. If the lessee fails to submit the required income reporting form once the new method for calculating marina rents is effective, the department may conduct an audit at the lessee's expense or cancel the lease.

(e) Initially, the marina rent formula developed by the department pursuant to (b) of this subsection will be applied to each marina on its anniversary date, beginning on July 1, 2004, and will be based on that marina's 2003 income information. Thereafter, rents will be recalculated each year, based on the marina's gross revenue from the previous year.

(f) No marina lease may be for less than five hundred dollars plus direct administrative costs.

(8) For all new leases for ~~((marinas, or any))~~ other water- dependent uses, issued after December 31, 1997, the initial annual water-dependent rent shall be determined by the methods in subsections (1) through (6) of this section.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "moorage;" strike the remainder of the title and insert "amending RCW 79.90.480; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1250 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1250 as amended by the Senate.

#### **MOTION**

On motion of Representative Nixon, Representative Clements was excused.

Representatives Rockefeller and McMahan spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Clements - 1.

SUBSTITUTE HOUSE BILL NO. 1250, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.55.060 and 1998 c 190 s 86 are each amended to read as follows:

(1) Subject to subsection (3) of this section, a dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.

(2) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.

(3) For the purposes of this section, "other obstruction" does not include tide gates, flood gates, and associated man-made agricultural drainage facilities that were originally installed as part of an agricultural drainage system on or before the effective date of this section or the repair, replacement, or improvement of such tide gates or flood gates.

**Sec. 2.** RCW 77.55.100 and 2002 c 368 s 2 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2)(a) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 77.55.110, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five- year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 77.55.110.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 77.55.110, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

(10) The department shall not require a fishway on a tide gate, flood gate, or other associated man-made agricultural drainage facilities as a condition of a hydraulic project approval if such fishway was not originally installed as part of an agricultural drainage system existing on or before the effective date of this section.

(11) Any condition requiring a self-regulating tide gate to achieve fish passage in an existing hydraulic project approval under this section may not be enforced.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.55 RCW to read as follows:

Upon written request of adversely affected landowners of land designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW or the associated special districts under RCW 85.38.180, the department shall authorize the removal of the self-regulating function of any self-regulating tide gate installed because of a condition imposed by the department in an approval issued according to RCW 77.55.100 or during implementation of fish passage requirements pursuant to RCW 77.55.060. The department shall make authorizing the removal of the self-regulating function of any self-regulating tide gate a priority. The department shall pay for any tide gate removal required by this section within existing resources.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.85 RCW to read as follows:

(1) If a limiting factors analysis has been conducted under this chapter for a specific geographic area and that analysis shows insufficient intertidal salmon habitat, the department of fish and wildlife and the county legislative authorities of the affected counties may jointly initiate a salmon intertidal habitat restoration planning

process to develop a plan that addresses the intertidal habitat goals contained in the limiting factors analysis. The fish and wildlife commission and the county legislative authorities of the geographic area shall jointly appoint a task force composed of the following members:

- (a) One representative of the fish and wildlife commission, appointed by the chair of the commission;
  - (b) Two representatives of the agricultural industry familiar with agricultural issues in the geographic area, one appointed by an organization active in the geographic area and one appointed by a statewide organization representing the industry;
  - (c) Two representatives of environmental interest organizations with familiarity and expertise of salmon habitat, one appointed by an organization in the geographic area and one appointed by a statewide organization representing environmental interests;
  - (d) One representative of a diking and drainage district, appointed by the individual districts in the geographic area or by an association of diking and drainage districts;
  - (e) One representative of the lead entity for salmon recovery in the geographic area, appointed by the lead entity;
  - (f) One representative of each county in the geographic area, appointed by the respective county legislative authorities; and
  - (g) One representative from the office of the governor.
- (2) Representatives of the United States environmental protection agency, the United States natural resources conservation service, federal fishery agencies, as appointed by their regional director, and tribes with interests in the geographic area shall be invited and encouraged to participate as members of the task force.
- (3) The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.
- (4) The task force shall:
- (a) Review and analyze the limiting factors analysis for the geographic area;
  - (b) Initiate and oversee intertidal salmon habitat studies for enhancement of the intertidal area as provided in section 5 of this act;
  - (c) Review and analyze the completed assessments listed in section 5 of this act;
  - (d) Develop and draft an overall plan that addresses identified intertidal salmon habitat goals that has public support; and
  - (e) Identify appropriate demonstration projects and early implementation projects that are of high priority and should commence immediately within the geographic area.
- (5) The task force may request briefings as needed on legal issues that may need to be considered when developing or implementing various plan options.
- (6) Members of the task force shall be reimbursed by the conservation commission for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (7) The task force shall provide annual reports that provide an update on its activities to the fish and wildlife commission, to the involved county legislative authorities, and to the lead entity formed under this chapter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.85 RCW to read as follows:

(1) In consultation with the task force, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the task force, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed and funding has been secured. A final plan shall be submitted by the task force to the lead entity for the geographic area established under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 77.55 RCW to read as follows:  
As used in this chapter, "tide gate" means a one-way check valve that prevents the backflow of tidal water.

NEW SECTION. Sec. 7. The process established in sections 4 and 5 of this act shall be initiated as soon as practicable in Skagit county.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 77.55.060 and 77.55.100; adding new sections to chapter 77.55 RCW; adding new sections to chapter 77.85 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1418 as amended by the Senate.

Representative Quall spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Clements - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1698, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to read as follows:

The interagency committee for outdoor recreation shall establish (~~a committee of nonhighway road recreationists, including representatives of organized ORV groups,~~) the nonhighway and off-road vehicle advisory committee to provide advice regarding the administration of this chapter. The nonhighway and off-road vehicle advisory committee consists of a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

**NEW SECTION. Sec. 2.** The nonhighway and off-road vehicle advisory committee created in RCW 46.09.280 must review the existing nonhighway and off-road vehicle distribution formulas and policies in RCW 46.09.020, 46.09.170, and 46.09.280 and develop recommendations for statutory changes. The recommendations should be consistent with the results of the most recent fuel use study, and address the operation and maintenance needs of existing facilities. For the review in this section, the committee must also include representation of county sheriffs, recreational land managers, the state parks and recreation commission, the department of fish and wildlife, and the department of natural resources, and two members of the senate appointed by the president of the senate, to include one member from each major caucus, and two members of the house of representatives appointed by the speaker of the house of representatives, to include one member from each major caucus. In the senate, members must be selected from the parks, fish and wildlife committee and ways and means committee. In the house of representatives, members must be selected from the fisheries, ecology and parks committee and either the appropriations or capital budget committee. Recommendations must be submitted to the appropriate standing committees of the legislature by January 1, 2004."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 46.09.280; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1698 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1698 as amended by the Senate.

Representatives Cooper and Alexander spoke in favor of the passage of the bill.

### ROLL CALL



The Clerk called the roll on the final passage of Second Substitute House Bill No. 1698, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Blake, Boldt, Crouse, DeBolt, Ericksen, Hatfield, Holmquist, Kristiansen, McDonald, McMahan, Mielke, Orcutt, Pearson, Schindler and Schoesler - 15.

Excused: Representative Clements - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1698, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1973, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that tourism is a growing sector of the Washington economy. Washington has a diverse geography, geology, climate, and natural resources, and offers abundant opportunities for wildlife viewing. Nature-based tourism is the fastest growing outdoor activity and segment of the travel industry and the state can take advantage of this by marketing Washington's natural assets to international as well as national tourist markets. Expanding tourism efforts can provide Washington residents with jobs and local communities with needed revenues.

The legislature also finds that current efforts to promote Washington's natural resources and nature-based tourism to national and international markets are too diffuse and limited by funding and that a collaborative effort among state and local governments, tribes, and private enterprises can serve to leverage the investments in nature-based tourism made by each.

**Sec. 2.** RCW 43.330.090 and 1998 c 245 s 85 are each amended to read as follows:

(1) The department shall work with private sector organizations, local governments, local ~~((economic))~~ associate development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ~~((ensure that the state continues to))~~ pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. ~~((The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition.))~~ The department, in operating its tourism program, shall:

(a) Promote Washington as a tourism destination to national and international markets to include nature-based and wildlife viewing tourism;

(b) Provide information to businesses and local communities on tourism opportunities that could expand local revenues;

(c) Assist local communities to strengthen their tourism partnerships, including their relationships with state and local agencies;

(d) Provide leadership training and assistance to local communities to facilitate the development and implementation of local tourism plans;

(e) Coordinate the development of a statewide tourism and marketing plan. The department's tourism planning efforts shall be carried out in conjunction with public and private tourism development organizations including the department of fish and wildlife and other appropriate agencies. The plan shall specifically address mechanisms for: (i) Funding national and international marketing and nature-based tourism efforts; (ii) interagency cooperation; and (iii) integrating the state plan with local tourism plans.

(3) The department may, in carrying out its efforts to expand the tourism industry in the state:

(a) Solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local or other governmental entities, as well as private sources, and may expend the same or any income therefrom for tourism purposes. All revenue received for tourism purposes shall be deposited into the tourism development and promotion account created in RCW 43.330.094;

(b) Host conferences and strategic planning workshops relating to the promotion of nature-based and wildlife viewing tourism;

(c) Conduct or contract for tourism-related studies;

(d) Contract with individuals, businesses, or public entities to carry out its tourism-related activities under this section;

(e) Provide tourism-related organizations with marketing and other technical assistance;

(f) Evaluate and make recommendations on proposed tourism-related policies.

(4) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

~~((3))~~ (5) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall manage wildlife programs in a manner that provides for public opportunities to view wildlife and supports nature-based and wildlife viewing tourism without impairing the state's wildlife resources.

**Sec. 4.** RCW 43.330.094 and 1997 c 220 s 223 are each amended to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) and 43.330.090(3)(a) must be deposited into the account. Moneys in the account received under RCW 36.102.060(10) may be spent only after appropriation. No appropriation is required for expenditures from moneys received under RCW 43.330.090(3)(a). Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of ~~((promotion of))~~ expanding and promoting the tourism industry in the state of Washington.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.52 RCW to read as follows:

When soliciting charitable gifts, grants, or donations solely for the purposes of promoting the expansion of tourism as provided for in RCW 43.330.090, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

**Sec. 6.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other

intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW 43.330.090.

(h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

~~((H))~~ (i) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

- (a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in RCW 42.52.010 except:
  - (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
  - (ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
  - (iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

On page 1, line 1 of the title, after "tourism;" strike the remainder of the title and insert "amending RCW 43.330.090, 43.330.094, and 42.52.150; adding a new section to chapter 77.12 RCW; adding a new section to chapter 42.52 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1973 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1973 as amended by the Senate.

Representative Veloria spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1973, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Clements - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1973, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Hatfield to preside.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read as follows:

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a reckless manner (~~(indicating a wanton or wilful disregard for the lives or property of others)~~) while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and ~~((his))~~ the vehicle shall be ~~((appropriately marked showing it to be an official police vehicle))~~ equipped with lights and sirens.

(2) It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) A reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.

(3) The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing."

On page 1, line 1 of the title, after "vehicle;" strike the remainder of the title and insert "amending RCW 46.61.024; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Hatfield presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1076 as amended by the Senate.

Representatives Lovick and Mielke spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1076, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Delvin - 1.

Excused: Representative Clements - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, as amended by the Senate, having received the constitutional majority, was declared passed.

### **MESSAGES FROM THE SENATE**

April 22, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5014,  
SENATE BILL NO. 5176,  
SUBSTITUTE SENATE BILL NO. 5221,  
SUBSTITUTE SENATE BILL NO. 5335,  
SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5434,  
SENATE BILL NO. 5477,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5575,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,  
SENATE BILL NO. 5705,  
SUBSTITUTE SENATE BILL NO. 5737,  
SECOND SUBSTITUTE SENATE BILL NO. 5890,  
SUBSTITUTE SENATE BILL NO. 5912,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SENATE BILL NO. 5959,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., April 23, 2003, the 101<sup>st</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ONE HUNDREDTH DAY, APRIL 22, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ONE HUNDRED FIRST DAY**

---

House Chamber, Olympia, Wednesday, April 23, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carissa and Lindsey Diacogiannis. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Rex Niblack, Rainier Chapel, Rainier.

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

**INTRODUCTION & FIRST READING**

HJM 4027 by Representatives Anderson, Haigh, Tom, Santos, Jarrett, Quall, Nixon, Cairnes, Talcott and Moeller

Requesting just compensation to Washington state for the impact of federal land ownership on the state's ability to fund public education.

Referred to Committee on Finance.

There being no objection, the memorial listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

**REPORTS OF STANDING COMMITTEES**

HB 1165 Prime Sponsor, Representative Dunshee: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Capital Budget April 21, 2003

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Blake; Chase; Flannigan; Hankins; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Bush; Hinkle; Mastin; Newhouse; Orcutt; Schoesler and Woods.

HB 1288 Prime Sponsor, Representative Dunshee: Issuing general obligation bonds. Reported by Committee on Capital Budget April 21, 2003

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Blake; Chase; Flannigan; Hankins; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Bush; Hinkle; Mastin; Newhouse; Orcutt; Schoesler and Woods.

April 22, 2003

HB 2238 Prime Sponsor, Representative Quall: Eliminating the communication portion of the WASL. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 21, 2003

HB 2242 Prime Sponsor, Representative Dunshee: Concerning the definition of general state revenues. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Blake; Chase; Flannigan; Hankins; Kirby; Lantz; McIntire; Morrell; Murray; O'Brien; Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Bush; Hinkle; Mastin; Newhouse; Orcutt; Schoesler and Woods.

April 22, 2003

HB 2257 Prime Sponsor, Representative Sommers: Concerning the treatment of income and resources for institutionalized persons receiving medical assistance. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 22, 2003

HB 2261 Prime Sponsor, Representative Kagi: Concerning services for persons with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Pflug; Sump and Talcott.

April 21, 2003

ESSB 5178 Prime Sponsor, Senate Committee On Commerce & Trade: Creating the legislative international trade account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Trade & Economic Development.



Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 44.04 RCW to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate and the secretary of state from gifts, grants, and endowments for international trade hosting, international relations, and international missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. A person, as defined in RCW 42.52.010, may not donate, gift, grant, or endow more than five thousand dollars per calendar year to the legislative international trade account. Expenditures from the account may be used only for the purposes of international trade hosting, international relations, and international trade mission activities, excluding travel and lodging, in which the president and members of the senate, members of the house of representatives, and the secretary of state participate in an official capacity. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives. All expenditures from the account shall be authorized by the final signed approval of the chief clerk of the house of representatives, the secretary of the senate, and the president of the senate.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 1 of this act, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 1 of this act, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(3) An annual report of the legislative international trade account activities, including a list of receipts and expenditures, shall be published by the president of the senate and submitted to the house of representatives and the senate and be a public record for the purposes of RCW 42.17.260.

**Sec. 3.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in section 1 of this act;

(h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

~~((h))~~ (i) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Cody; DeBolt; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Clements; Conway; Cox; Dunshee and Ruderman.

April 22, 2003

2SSB 5341 Prime Sponsor, Senate Committee On Ways & Means: Establishing a quality maintenance fee on nursing facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of revenue.

(2) "Gross income" means all revenue, without deduction, that is derived from the performance of nursing facility services. "Gross income" does not include other operating revenue or nonoperating revenue.

(3) "Other operating revenue" means income from nonpatient care services to patients, as well as sales and activities to persons other than patients. It is derived in the course of operating the facility, such as providing personal laundry service for patients, or from other sources such as meals provided to persons other than patients, personal telephones, gift shops, and vending machine commissions.

(4) "Nonoperating revenue" means income from activities not relating directly to the day-to-day operations of an organization. "Nonoperating revenue" includes such items as gains on disposal of a facility's assets, dividends, and interest from security investments, gifts, grants, and endowments.

(5) "Patient day" means a calendar day of care provided to a nursing facility resident, excluding a medicare patient day. Patient days include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(6) "Medicare patient day" means a patient day for medicare beneficiaries on a medicare Part A stay and a patient day for persons who have opted for managed care coverage using their medicare benefit.

(7) "Nonexempt nursing facility" means a nursing facility that is not exempt from the quality maintenance fee under section 4 of this act.

(8) "Nursing facility" has the same meaning as the term is defined in RCW 18.51.010; it does not include a boarding home as defined in RCW 18.20.020 or an adult family home as defined in RCW 70.128.010.

(9) "Nursing facility operator" means a person who engages in the business of operating a nursing facility or facilities within this state.

(10) "Nursing facility services" means health-related services to individuals who do not require hospital care, but whose mental or physical condition requires services that are above the level of room and board and can be made available only through institutional facilities.

**NEW SECTION. Sec. 2.** (1) In addition to any other tax, a quality maintenance fee is imposed on every nonexempt nursing facility in this state. The quality maintenance fee shall be six dollars per patient day.

(2) Each operator of a nonexempt nursing facility shall file a return with the department on a monthly basis. The return is due within thirty days after the end of each calendar month. The return shall include the following:

(a) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(b) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

**NEW SECTION. Sec. 3.** All of chapter 82.32 RCW, except RCW 82.32.045 and 82.32.270, applies to the fee imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the fee imposed by this chapter. The department may adopt rules, in accordance with chapter 34.05 RCW, as necessary to provide for the effective administration of this chapter.

**NEW SECTION. Sec. 4.** (1) By June 1st of each year, each nursing facility operator shall file a report with the department of social and health services listing the patient days and the gross income for the prior calendar year for each nursing facility that he or she operates.

(2) By August 1, 2003, the department of social and health services shall submit for approval to the federal department of health and human services a request for a waiver pursuant to 42 C.F.R. 433.68. The waiver shall identify the nursing facilities that the department proposes to exempt from the quality maintenance fee. Those facilities shall include at least:

(a) Nursing facilities operated by any agency of the state of Washington;

(b) Nursing facilities operated by a public hospital district; and

(c) As many nursing facilities with no or disproportionately low numbers of medicaid-funded residents as, within the judgment of the department, may be exempted from the fee pursuant to 42 C.F.R. 433.68.

(3) The department of social and health services shall notify the department of revenue and the nursing facility operator of the nursing facilities that would be exempted from the quality maintenance fee pursuant to the waiver request submitted to the federal department of health and human services. The nursing facilities included in the waiver request may withhold payment of the fee pending final action by the federal government on the request for waiver.

(4) If the request for waiver is approved, the department of social and health services shall notify the department of revenue and the nursing facility operator that no quality maintenance fee is due from the facility. If the request for waiver is denied, nursing facility operators who have withheld payment of the fee shall pay all such fees as have been withheld.

(5) The department of social and health services shall take whatever action is necessary to continue the waiver from the federal government.

(6) The department of social and health services may adopt such rules, in accordance with chapter 34.05 RCW, as necessary to provide for effective administration of this section and section 5 of this act.

**NEW SECTION. Sec. 5.** The department of social and health services shall prospectively add the medicaid cost of the quality maintenance fee under section 2 of this act to the nursing facility component rate allocation calculated after application of all other provisions of RCW 74.46.521.

**NEW SECTION. Sec. 6.** (1) Sections 1 through 5 of this act shall expire on the effective date that federal medicaid matching funds are substantially reduced or that a federal sanction is imposed due to the quality maintenance fee under section 2 of this act, as such date is certified by the secretary of social and health services.

(2) The expiration of sections 1 through 5 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. (1) Sections 1 through 3 of this act constitute a new chapter in Title 82 RCW. (2) Sections 4 and 5 of this act are each added to chapter 74.46 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Buck; Clements; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Cox; Linville; McDonald and Sump.

April 21, 2003

SB 5363 Prime Sponsor, Senator Hale: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

April 17, 2003

ESSB 5404 Prime Sponsor, Senate Committee On Ways & Means: Making 2003-05 operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

#### **'PART I GENERAL GOVERNMENT**

#### **NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES** **HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2004) \$28,295,000

General Fund--State Appropriation (FY 2005) \$28,269,000

Department of Retirement Systems Expense Account--State Appropriation \$45,000

TOTAL APPROPRIATION \$56,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided for the joint select committee on fiscal stability.

(a) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(b) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:

- (i) Spending limits;
- (ii) Tax limits;
- (iii) Emergency reserve accounts; and
- (iv) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.

(c) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2004.

(d) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

**NEW SECTION. Sec. 102. FOR THE SENATE**

**SENATE**

General Fund--State Appropriation (FY 2004) \$22,145,000

General Fund--State Appropriation (FY 2005) \$23,169,000

Department of Retirement Systems Expense Account--State Appropriation \$45,000

**TOTAL APPROPRIATION \$45,359,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided for the joint select committee on fiscal stability.

(a) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(b) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:

- (i) Spending limits;
- (ii) Tax limits;
- (iii) Emergency reserve accounts; and
- (iv) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.

(c) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2004.

(d) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**

**COMMITTEE**

**JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2004) \$2,120,000

General Fund--State Appropriation (FY 2005) \$2,230,000

**TOTAL APPROPRIATION \$4,350,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$490,000 of the general fund--state appropriation for fiscal year 2004 and \$510,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Engrossed Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) Amounts provided in this section are sufficient to implement the provisions of Substitute House Bill No. 1013 (UTC performance audit), Substitute House Bill No. 1041 (mental health advance directives), Engrossed Substitute House Bill No. 1367 (government accountability), and Engrossed Substitute House Bill No. 2112 (alternative public works study).

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2004) \$1,629,000

General Fund--State Appropriation (FY 2005) \$1,773,000

TOTAL APPROPRIATION \$3,402,000

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**  
OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--State Appropriation \$2,590,000

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**  
JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2004) \$6,661,000

General Fund--State Appropriation (FY 2005) \$6,661,000

TOTAL APPROPRIATION \$13,322,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**  
STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2004) \$3,899,000

General Fund--State Appropriation (FY 2005) \$4,003,000

TOTAL APPROPRIATION \$7,902,000

The appropriations in this section are subject to the following conditions and limitations: \$42,100 of the general fund fiscal year 2004 appropriation and \$43,800 of the general fund fiscal year 2005 appropriation are provided solely for the uniform legislation commission.

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.**  
LEGISLATIVE AGENCIES In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**  
SUPREME COURT

General Fund--State Appropriation (FY 2004) \$5,457,000

General Fund--State Appropriation (FY 2005) \$5,660,000

TOTAL APPROPRIATION \$11,117,000

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**  
LAW LIBRARY

General Fund--State Appropriation (FY 2004) \$2,055,000

General Fund--State Appropriation (FY 2005) \$2,059,000

TOTAL APPROPRIATION \$4,114,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**  
COURT OF APPEALS

General Fund--State Appropriation (FY 2004) \$12,533,000

General Fund--State Appropriation (FY 2005) \$12,770,000

TOTAL APPROPRIATION \$25,303,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**  
COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2004) \$909,000

General Fund--State Appropriation (FY 2005) \$911,000  
TOTAL APPROPRIATION \$1,820,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**  
ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004) \$18,454,000  
General Fund--State Appropriation (FY 2005) \$18,321,000  
Public Safety and Education Account--State Appropriation \$25,507,000  
Civil Legal Services Account--State Appropriation \$16,902,000  
Judicial Information Systems Account--State Appropriation \$27,955,000  
TOTAL APPROPRIATION \$107,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$1,813,000 of the general fund--state appropriation for fiscal year 2004 and \$1,562,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5990 (financial obligations) or Engrossed Substitute Senate Bill No. 6002 (financial obligations). If neither bill is enacted by June 30, 2003, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts; and

(b) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$800,000 of the general fund--state appropriation of \$800,000 for fiscal year 2005 are provided solely for distribution to the county clerks for the collection of legal financial obligations. The funding shall be distributed by the office of the administrator for the courts to the county clerks, in accordance with the funding formula determined by the Washington association of county officials pursuant to Senate Bill No. 5990.

(3) \$9,261,000 of the civil legal services account--state appropriation is provided for civil legal services.

(4) \$7,641,000 of the civil legal services account--state appropriation is provided solely for civil legal services. If Substitute House Bill No. 1744 (court fees) is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2004, \$285,000 of the general fund--state appropriation for fiscal year 2005, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

(8) \$12,572,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**  
OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2004) \$666,000  
General Fund--State Appropriation (FY 2005) \$884,000  
Public Safety and Education Account--State Appropriation \$12,609,000  
TOTAL APPROPRIATION \$14,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(5) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**  
**OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2004) \$4,014,000

General Fund--State Appropriation (FY 2005) \$3,917,000

General Fund--Federal Appropriation \$1,144,000

Water Quality Account--State Appropriation \$3,872,000

**TOTAL APPROPRIATION \$12,947,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,872,000 of the water quality account appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a consultant to support the work of the early learning and child care task force created in section 501(1)(d) of this act.

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**  
**LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2004) \$561,000

General Fund--State Appropriation (FY 2005) \$562,000

**TOTAL APPROPRIATION \$1,123,000**

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**  
**PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2004) \$1,878,000

General Fund--State Appropriation (FY 2005) \$1,860,000

**TOTAL APPROPRIATION \$3,738,000**

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**  
**SECRETARY OF STATE**

General Fund--State Appropriation (FY 2004) \$23,653,000

General Fund--State Appropriation (FY 2005) \$17,731,000

General Fund--Federal Appropriation \$6,977,000

Archives and Records Management Account--State Appropriation \$8,549,000

Department of Personnel Service Account--State Appropriation \$717,000

Election Account--Federal Appropriation \$13,121,000

Local Government Archives Account--State Appropriation \$2,345,000

**TOTAL APPROPRIATION \$73,093,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.



(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,805,004 of the general fund--state appropriation for fiscal year 2004 and \$1,830,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8). If Substitute Senate Bill No. 5274 (archives division funding) is enacted by June 30, 2003, the amounts provided in this subsection shall lapse, and the expenditures shall be made out of the imaging account.

(6) \$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.

(7) The entire elections account appropriation is provided solely for the implementation of Engrossed House Bill No. 1161 (help America vote act). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**  
GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$227,000

General Fund--State Appropriation (FY 2005) \$238,000

TOTAL APPROPRIATION \$465,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**  
COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$192,000

General Fund--State Appropriation (FY 2005) \$192,000

TOTAL APPROPRIATION \$384,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**  
STATE TREASURER

State Treasurer's Service Account--State Appropriation \$13,215,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**  
STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$1,310,000

General Fund--State Appropriation (FY 2005) \$1,511,000

State Auditing Services Revolving Account--State Appropriation \$12,892,000

TOTAL APPROPRIATION \$15,713,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$706,000 of the general fund--state appropriation for fiscal year 2004 and \$707,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$700,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

**CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2004) \$80,000  
General Fund--State Appropriation (FY 2005) \$154,000  
TOTAL APPROPRIATION \$234,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**  
**ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2004) \$4,168,000  
General Fund--State Appropriation (FY 2005) \$4,224,000  
General Fund--Federal Appropriation \$2,857,000  
Public Safety and Education Account--State Appropriation \$1,824,000  
Tobacco Prevention and Control Account--State Appropriation \$270,000  
New Motor Vehicle Arbitration Account--State Appropriation \$1,184,000  
Legal Services Revolving Account--State Appropriation \$166,411,000  
TOTAL APPROPRIATION \$180,938,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4) \$240,000 of the legal services revolving account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1803 (recreation and conservation trust). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL**  
**CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$639,000  
General Fund--State Appropriation (FY 2005) \$640,000  
TOTAL APPROPRIATION \$1,279,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2004) \$59,755,000  
General Fund--State Appropriation (FY 2005) \$59,500,000

General Fund--Federal Appropriation \$198,410,000  
 General Fund--Private/Local Appropriation \$10,598,000  
 Public Safety and Education Account--State Appropriation \$5,905,000  
 Public Works Assistance Account--State Appropriation \$1,929,000  
 Building Code Council Account--State Appropriation \$1,065,000  
 Administrative Contingency Account--State Appropriation \$1,774,000  
 Low-Income Weatherization Assistance Account--State Appropriation \$3,293,000  
 Violence Reduction and Drug Enforcement Account--State Appropriation \$6,048,000  
 Manufactured Home Installation Training Account--State Appropriation \$258,000  
 Community Economic Development Account--State Appropriation \$1,909,000  
 Washington Housing Trust Account--State Appropriation \$16,770,000  
 Public Facility Construction Loan Revolving Account--State Appropriation \$626,000  
 Lead Paint Account--State Appropriation \$6,000  
 TOTAL APPROPRIATION \$367,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,705 to the department to continue the governor's council on substance abuse;

(k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(l) \$572,919 to the office of financial management for criminal history records improvement; and

(m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion

program to fund contracts with locally based development organizations for local business and job retention activities.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$697,000 of the community economic development account appropriation is provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Second Substitute House Bill No. 1913 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) Within amounts provided in this section, sufficient funding is provided to implement Second Substitute House Bill No. 1973 (promoting tourism).

(12) \$49,000 of the general fund--state appropriation for fiscal year 2004 and \$26,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(14) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(15) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(16) \$698,000 of the general fund--state appropriation for fiscal year 2004, \$698,000 of the general fund--state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(17) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(18) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(19) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(20) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$518,000  
General Fund--State Appropriation (FY 2005) \$519,000  
TOTAL APPROPRIATION \$1,037,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFFICE OF FINANCIAL MANAGEMENT  
General Fund--State Appropriation (FY 2004) \$14,219,000

General Fund--State Appropriation (FY 2005) \$13,540,000  
General Fund--Federal Appropriation \$23,508,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$242,000  
State Auditing Services Revolving Account--State Appropriation \$25,000  
TOTAL APPROPRIATION \$51,534,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$800,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to conduct a comprehensive study of the Washington education finance system, including examination of alternative teacher compensation models.
  - (2) The study shall, at a minimum:
    - (a) Compare Washington's common school funding system with those in other states that are beginning to link finance systems with education reform and expected student learning outcomes;
    - (b) Review the role of state and local funding and levy equalization policies in the Washington common school finance system, building upon the 2002 joint task force on local effort assistance report;
    - (c) Design alternative common school finance systems for Washington, with consideration of the following principles:
      - (i) Aligning the finance system with the policy expectations and goals established under education reform to provide all students the opportunity to achieve state standards;
      - (ii) Recognizing staffing as a key component of school district costs, including the number of and compensation for certificated instructional staff, certificated administrative staff, and classified staff;
      - (iii) Providing stable and predictable funding for school districts;
      - (iv) Supporting local flexibility in program delivery; and
      - (v) Providing accountability for taxpayers focused on student learning outcomes;
    - (d) Design one or more alternative compensation models that:
      - (i) Attract and retain high performing teachers in all Washington schools;
      - (ii) Reward teachers for improving their skills and knowledge in a manner that translates into improved student learning;
      - (iii) Recognize participation in teacher mentoring programs; and
      - (iv) Recognize different career stages for teachers and the leadership roles they perform in schools;
    - (e) Consider the impacts of inflation and cost-of-living adjustments; and
    - (f) Design a prekindergarten finance system to maximize school readiness and provide smooth transitions for children into kindergarten.
  - (3)(a) A twenty-three member steering committee shall direct the office of financial management in the system review and the development of alternatives and recommendations.
  - (b) The governor and the superintendent of public instruction shall jointly appoint the following members of the steering committee: A school board director, two school district administrators, a school principal, two certificated instructional staff, and a classified school employee. When making appointments, the governor and the superintendent shall consider expertise in K-12 financing and regional representation on the committee, including the need for urban, rural, and suburban district perspectives.
  - (c) The governor shall appoint the following members of the steering committee: An early childhood educator, a parent, a business executive, and three public members.
  - (d) The steering committee shall include the superintendent of public instruction, or the superintendent's designee.
  - (e) The steering committee shall also include eight legislators: The speaker of the house of representatives or a designee, the senate majority leader or a designee, the house of representatives and senate minority leaders or designees, and one additional member appointed by each major caucus of the house of representatives and the senate.
  - (f) The governor, or the governor's appointee, shall chair the committee.
  - (g) Appointments to the steering committee shall be completed within thirty days of the effective date of this section.
  - (h) The committee may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for the operation of the committee.
  - (i) Legislative members of the steering committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. Other members of the steering committee shall, and members of subcommittees may, be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (4) The office of the superintendent of public instruction, the academic achievement and accountability commission, the state board of education, the professional educator standards board, the legislative evaluation and accountability program committee, senate committee services, and the office of program research shall provide data and technical expertise to support the study.
  - (5) The office of financial management shall report initial findings and recommendations of the committee to the legislature, including the education and fiscal committees of the house of representatives and the

senate, by June 30, 2004. A final report shall be provided to the education and fiscal committees of the house of representatives and the senate by December 20, 2004.

(6) \$127,000 of the general fund--state appropriation for fiscal year 2004 and \$122,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
Administrative Hearings Revolving Account--State Appropriation \$24,728,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**  
**DEPARTMENT OF PERSONNEL**  
Department of Personnel Service Account--State Appropriation \$16,355,000  
Higher Education Personnel Services Account--State Appropriation \$1,601,000  
TOTAL APPROPRIATION \$17,956,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY**  
**WASHINGTON STATE LOTTERY**  
Lottery Administrative Account--State Appropriation \$27,666,000

The appropriation in this section is subject to the following conditions and limitations: Within the funds appropriated in this section, the lottery commission shall provide administrative support to assist a task force to examine possible means to enhance state revenue from gaming as follows:

- (1) The task force shall consist of the following members:
  - (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
  - (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
  - (c) The executive director of the Washington state lottery;
  - (d) The executive director of the Washington state gambling commission; and
  - (e) The governor's designee.
- (2) The task force shall report its findings on possible means to enhance state revenue from gaming to the senate commerce and trade committee, the senate ways and means committee, the house of representatives commerce and labor committee, the house of representatives finance committee, and the house of representatives appropriations committee by January 5, 2004.

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**  
**COMMISSION ON HISPANIC AFFAIRS**  
General Fund--State Appropriation (FY 2004) \$201,000  
General Fund--State Appropriation (FY 2005) \$201,000  
TOTAL APPROPRIATION \$402,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**  
**COMMISSION ON AFRICAN-AMERICAN AFFAIRS**  
General Fund--State Appropriation (FY 2004) \$196,000  
General Fund--State Appropriation (FY 2005) \$197,000  
TOTAL APPROPRIATION \$393,000

**NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD**  
**PERSONNEL APPEALS BOARD**  
Department of Personnel Service Account--State Appropriation \$1,729,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**  
**DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation \$386,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,567,000  
TOTAL APPROPRIATION \$45,953,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519 (unreduced duty death survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197 (law enforcement officers' and fire fighters' plan 2 board implementation). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.
- (4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1203 (substitute employees' retirement credit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100 (fallen hero survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206 (plan 3 contributions). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207 (employee death benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (8) \$324,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829 (retire-rehire reform). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202 (emergency medical technicians' retirement). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (10) \$358,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2180 (early retirement incentives). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD**  
**STATE INVESTMENT BOARD**

General Fund--State Appropriation (FY 2004) \$100,000  
State Investment Board Expense Account--State Appropriation \$13,320,000  
TOTAL APPROPRIATION \$13,420,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a contract with a real estate investment consultant to prepare options and recommended investment strategies for surplus property at the five state residential habilitation centers, where the proceeds will be deposited into an account to fund services for developmentally disabled clients. In developing the recommended strategies for the Fircrest school property, the contractor shall identify an investment strategy that will produce a long-term investment return on the property, without sale of the land. The report shall be submitted to the appropriate committees of the legislature by December 1, 2003.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**  
**DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2004) \$79,688,000  
General Fund--State Appropriation (FY 2005) \$79,257,000  
Timber Tax Distribution Account--State Appropriation \$5,215,000  
Waste Education/Recycling/Litter Control--State Appropriation \$101,000  
State Toxics Control Account--State Appropriation \$67,000  
Oil Spill Administration Account--State Appropriation \$14,000  
TOTAL APPROPRIATION \$164,342,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$93,000 of the general fund--state appropriation for fiscal year 2004 and \$210,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement House Bill No. 1863 (implementation of the streamlined sales tax agreement). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) \$104,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the implementation of Engrossed House Bill No. 2030 (B&O tax uniformity). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**  
**BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2004) \$1,159,000  
General Fund--State Appropriation (FY 2005) \$1,006,000  
TOTAL APPROPRIATION \$2,165,000

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**  
**MUNICIPAL RESEARCH COUNCIL**

City and Town Research Services Account--State Appropriation \$3,852,000  
County Research Services Account--State Appropriation \$769,000  
TOTAL APPROPRIATION \$4,621,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
**OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation \$1,994,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office's revolving fund charges to state agencies may not exceed \$1,282,000.
- (2) During the 2003-05 biennium, the office of minority and women's business enterprises may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office of minority and women's business enterprises and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.
- (3) During fiscal year 2004, the office may raise fees in excess of the fiscal growth factor.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
**DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$223,000  
General Fund--State Appropriation (FY 2005) \$305,000  
General Fund--Federal Appropriation \$3,217,000  
General Administration Services Account--State Appropriation \$38,030,000  
TOTAL APPROPRIATION \$41,775,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**  
**DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account--State Appropriation \$3,587,000

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**  
**INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$635,000  
Insurance Commissioners Regulatory Account--State Appropriation \$33,008,000  
TOTAL APPROPRIATION \$33,643,000

The appropriations in this section are subject to the following conditions and limitations: \$557,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for a Health Care Access Options Working Group.

(1) The following members of the working group shall be appointed jointly by the speaker of the house of representatives and the president of the senate, in consultation with relevant organizations: Representatives of major state corporations; small businesses; health care consumers; organized labor; health insurance carriers; and health care providers, including a hospital representative, a licensed physician, and a rural health care provider. The insurance commissioner shall serve as the cochair of the working group and shall be responsible for coordinating its administrative and ministerial duties. Four members shall be selected to represent the legislature, to be chosen by each of the four caucuses. The secretary of the department of social and health services, the



secretary of the department of health, and the administrator of the Washington state health care authority shall serve as ex officio members of the working group. One of the consumer representatives shall serve as the cochair of the working group, to be elected by the members of the working group.

(2) The health care access options working group shall examine the privately and publicly funded health care insurance system in the state of Washington and develop recommendations for its improvement. Recommendations shall address appropriate levels and delivery of health services in Washington, and access to health services in underserved areas of Washington. The working group shall examine and provide recommendations related to the extent to which employees of large and small employers are electing to enroll in the basic health plan or the medicaid program rather than employer sponsored health insurance, thereby contributing to increases in state health care costs. In preparing its recommendations the working group shall: Review health insurance laws in other states that are providing greater choice, have more insurance carriers offering health insurance, and greater price flexibility as compared to Washington state; seek input from a broad range of health care stakeholders and the public; seek grant funds for a community meeting process, and coordinate its efforts with similar ongoing community processes; and review the recommendations of previous health care system analyses. The working group shall report its findings and recommendations to the legislature and the governor no later than January 1, 2005.

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**  
**BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation \$1,895,000

The appropriation in this section is subject to the following conditions and limitations: \$260,000 of the certified public accountants' account appropriation is provided solely for the implementation of Substitute House Bill No. 1211 (public accountancy act). If the bill is not enacted by June 30, 2003, this amount shall lapse.

**NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL**  
**FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation \$274,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION**  
**HORSE RACING COMMISSION**

Horse Racing Commission Account--State Appropriation \$4,621,000

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD**  
**LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2004) \$1,459,000

General Fund--State Appropriation (FY 2005) \$1,460,000

Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000

Liquor Revolving Account--State Appropriation \$134,274,000

TOTAL APPROPRIATION \$142,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the completion of the merchandising business system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with purchasing merchandise business system software and hardware-related items, and hiring system-related staff.

**NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**  
**UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State Appropriation \$26,611,000

Pipeline Safety Account--State Appropriation \$2,809,000

Pipeline Safety Account--Federal Appropriation \$1,084,000

TOTAL APPROPRIATION \$30,504,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature on July 1st of 2003 and 2004 a list of authorized travel.

(2) Consistent with the purposes of RCW 80.01.080, the commission may accept reimbursement for travel by its employees to participate in multistate regulatory matters.

(3) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**  
**BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' Relief and Pension Administrative Account--State Appropriation \$699,000

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT**  
**MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2004) \$8,581,000

General Fund--State Appropriation (FY 2005) \$8,318,000

General Fund--Federal Appropriation \$82,112,000

General Fund--Private/Local Appropriation \$371,000

Enhanced 911 Account--State Appropriation \$33,959,000

Disaster Response Account--State Appropriation \$190,000

Worker and Community Right to Know Fund--State Appropriation \$290,000

Nisqually Earthquake Account--State Appropriation \$13,129,000

Nisqually Earthquake Account--Federal Appropriation \$48,726,000

**TOTAL APPROPRIATION \$195,676,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state fiscal year 2004 appropriation and \$100,000 of the general fund--state fiscal year 2005 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(2) \$35,000 of the general fund--state fiscal year 2004 appropriation and \$35,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the north county emergency medical service.

(3) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(4) \$10,129,000 of the Nisqually earthquake account--state appropriation and \$48,726,000 of the Nisqually earthquake account-- federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(5) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$53,555,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$500,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$39,917,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,381,000

General Fund--State Appropriation (FY 2005) \$2,415,000

Department of Personnel Service Account--State Appropriation \$2,545,000

**TOTAL APPROPRIATION \$7,341,000**

**NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD**  
**GROWTH PLANNING HEARINGS BOARD**

General Fund--State Appropriation (FY 2004) \$1,572,000

General Fund--State Appropriation (FY 2005) \$1,508,000

**TOTAL APPROPRIATION \$3,080,000**

**NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER**  
**STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operating Account--State Appropriation \$40,705,000

State Convention and Trade Center Account--State Appropriation \$31,037,000

**TOTAL APPROPRIATION \$71,742,000**

**PART II**  
**HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts

anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
CHILDREN AND FAMILY SERVICES PROGRAM  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES-CHILDREN AND FAMILY SERVICES  
PROGRAM**

General Fund--State Appropriation (FY 2004) \$228,973,000  
General Fund--State Appropriation (FY 2005) \$232,198,000  
General Fund--Federal Appropriation \$435,340,000  
General Fund--Private/Local Appropriation \$400,000  
Public Safety and Education Account--State Appropriation \$23,920,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$5,640,000  
TOTAL APPROPRIATION \$926,471,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,659,000 of the general fund--state appropriation for fiscal year 2004, \$10,659,000 of the general fund--state appropriation for fiscal year 2005, and \$5,307,000 of the general fund--federal appropriation are provided solely for family preservation and intervention services such as the alternative response system, continuum of care, family preservation services, and intensive family preservation services.

The department, in consultation with stakeholders, shall propose a service delivery structure for providing family preservation and intervention services that maximizes resources and provides flexibility in responding to the needs of families. Options shall be presented to the legislature that address the following: (a) Service delivery structure; (b) specific outcome measures for the combined programs; (c) request for proposal decision making process; (d) statewide funding distribution formula; and (e) recommendations that will create economies of scale from combining services and programs. The department shall report this information to the children and families committees of the legislature by December 1, 2003.

(2) \$1,076,000 of the general fund--state appropriation for fiscal year 2004, \$1,076,000 of the general fund--state appropriation for fiscal year 2005, and \$322,000 of the general fund--federal appropriation are provided solely for pediatric interim care.

(3) \$807,000 of the fiscal year 2004 general fund--state appropriation, \$856,000 of the fiscal year 2005 general fund--state appropriation, and \$4,151,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 10 percent reduction below the funding level for the 2001-2003 biennium. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes.

(4) Within the funds provided in this section, the department shall maintain 33 secure crisis residential center (SCRC) beds. All SCRCs that are currently collocated with juvenile detention centers shall be closed and the remaining SCRCs shall be reduced to maintain regionality of centers.

The providers for the remaining 33 SCRC beds, the 52 crisis residential center beds, and the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
JUVENILE REHABILITATION PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2004) \$75,190,000  
General Fund--State Appropriation (FY 2005) \$73,787,000  
General Fund--Federal Appropriation \$12,689,000  
General Fund--Private/Local Appropriation \$1,098,000  
Juvenile Accountability Incentive Account--Federal Appropriation \$9,139,000

Public Safety and Education Account--State Appropriation \$6,092,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$37,338,000  
TOTAL APPROPRIATION \$215,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$696,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,066,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,206,000 of the general fund--state appropriation for fiscal year 2004, \$1,206,000 of the general fund--state appropriation for fiscal year 2005, and \$5,274,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,549,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(6) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(7) \$6,092,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing children in need of services and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs. The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(8) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing children in need of services and at-risk youth petitions. Counties shall submit the reports to the department no later than 45 days after the end of the fiscal year. The department shall electronically transmit this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(9) \$1,478,000 of the juvenile accountability incentive account-- federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(10) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (9) of this section.

(11) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(12) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile

services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(13) The juvenile rehabilitation administration shall allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

(14) \$261,000 of the general fund--state appropriation for fiscal year 2004 and \$820,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(15) \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$831,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the juvenile courts for additional research-based probation services for youth with local dispositions that include community supervision pursuant to chapter 13.40 RCW. The juvenile rehabilitation administration, in consultation with the juvenile court administrators and the Washington state institute for public policy, shall develop a funding formula that distributes the moneys appropriated in this subsection in an equitable manner and in a way that considers county-by-county differences in probation services.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MENTAL HEALTH PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2004) \$204,296,000

General Fund--State Appropriation (FY 2005) \$204,137,000

General Fund--Federal Appropriation \$384,166,000

General Fund--Local Appropriation \$1,970,000

**TOTAL APPROPRIATION \$794,569,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$904,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2004 increases by up to 5.0 percent over the amount actually paid to that regional support network in fiscal year 2003, and by up to an additional 5.0 percent in fiscal year 2005, if total

funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2003.

(h) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2004 and 2005 by the full amount by which the regional support network's total administrative expenditures as of December 31, 2002, exceed ten percent of total funding.

(i) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. In accordance with the Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds (including medical, long-term care, mental health, and substance abuse treatment) as may be necessary to finance a unified health care plan for the WMIP program enrollment. The state may withhold from calculations of "available resources" as defined in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in this pilot program.

## (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$94,032,000

General Fund--State Appropriation (FY 2005) \$92,812,000

General Fund--Federal Appropriation \$134,622,000

General Fund--Private/Local Appropriation \$26,342,000

TOTAL APPROPRIATION \$347,808,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

## (3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) \$27,823,000

General Fund--State Appropriation (FY 2005) \$32,184,000

TOTAL APPROPRIATION \$60,007,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$3,771,000

General Fund--State Appropriation (FY 2005) \$3,711,000

General Fund--Federal Appropriation \$6,830,000

TOTAL APPROPRIATION \$14,312,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
DEVELOPMENTAL DISABILITIES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-DEVELOPMENTAL DISABILITIES  
PROGRAM (1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2004) \$255,887,000

General Fund--State Appropriation (FY 2005) \$259,444,000

General Fund--Federal Appropriation \$430,819,000

Health Services Account--State Appropriation \$1,038,000

TOTAL APPROPRIATION \$947,188,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and \$1,038,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(c) \$510,000 of the general fund--state appropriation for fiscal year 2004, \$784,000 of the general fund--state appropriation for fiscal year 2005, and \$1,259,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings; and (ii) clients without residential services who are at immediate risk of institutionalization or in crisis. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) \$511,000 of the general fund--state appropriation for fiscal year 2004, \$616,000 of the general fund--state appropriation for fiscal year 2005, and \$1,100,000 of the general fund--federal appropriation are provided



solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department shall increase its efforts to understand, manage, and control expenditure growth in the developmental disabilities programs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately \$5,000,000. The department shall report to the fiscal committees of the legislature by October 1, 2003, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2004, and by September 1, 2004, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve these savings, the reports shall include recommendations for additional or alternative measures to control costs.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$71,399,000  
General Fund--State Appropriation (FY 2005) \$71,186,000  
General Fund--Federal Appropriation \$144,720,000  
General Fund--Private/Local Appropriation \$11,228,000  
TOTAL APPROPRIATION \$298,533,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,281,000  
General Fund--State Appropriation (FY 2005) \$2,281,000  
General Fund--Federal Appropriation \$2,975,000  
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$1,782,000  
TOTAL APPROPRIATION \$9,319,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,997,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
AGING AND ADULT SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$544,081,000  
General Fund--State Appropriation (FY 2005) \$556,378,000  
General Fund--Federal Appropriation \$1,136,001,000  
General Fund--Private/Local Appropriation \$18,644,000  
Health Services Account--State Appropriation \$4,888,000  
TOTAL APPROPRIATION \$2,259,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, \$1,476,000 of the general fund--state appropriation for fiscal year 2005, and \$7,284,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,771,000 of the general fund--state appropriation for fiscal year 2004 and \$1,771,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$142.14 for fiscal year 2004, and no more than \$145.52 for fiscal year 2005. For all facilities, the direct care, therapy care, and support services component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003. For all facilities, the operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.0 percent effective September 1, 2004.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005.

(b) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(c) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(7) \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(8) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(9) Within funds appropriated in this section, the department may expand by up to 200 the number of boarding home beds participating in the dementia pilot project. These additional beds shall provide persons with Alzheimer's disease or related dementias, who might otherwise require nursing home care, accommodation in licensed boarding home facilities that specialize in caring for such conditions.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ECONOMIC SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$419,702,000

General Fund--State Appropriation (FY 2005) \$407,497,000

General Fund--Federal Appropriation \$1,190,567,000

General Fund--Private/Local Appropriation \$40,414,000

TOTAL APPROPRIATION \$2,058,180,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, \$273,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal

appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels. The office of financial management shall place an amount of the general fund--federal appropriation in unallotted status in order to align the appropriations for WorkFirst to the submitted spending plan.

(2) \$45,639,000 of the general fund--state appropriation for fiscal year 2004 and \$39,335,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$1,436,000 of the general fund--state appropriation for fiscal year 2004 and \$1,436,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(5) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department may transfer a portion of this amount to other programs within the agency to accomplish this purpose. To the extent that the required expenditure level must be met by funding new services, one-time payments to all SSI clients currently not receiving state supplemental payments shall be provided. Individuals receiving one-time payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ALCOHOL AND SUBSTANCE ABUSE PROGRAM**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ALCOHOL AND SUBSTANCE ABUSE  
PROGRAM

General Fund--State Appropriation (FY 2004) \$35,523,000  
General Fund--State Appropriation (FY 2005) \$35,524,000  
General Fund--Federal Appropriation \$90,664,000  
General Fund--Private/Local Appropriation \$630,000  
Public Safety and Education Account--State Appropriation \$15,208,000  
Criminal Justice Treatment Account--State Appropriation \$8,950,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$47,523,000  
TOTAL APPROPRIATION \$234,022,000

The appropriations in this section are subject to the following conditions and limitations: \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MEDICAL ASSISTANCE PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) \$1,122,590,000  
General Fund--State Appropriation (FY 2005) \$1,165,208,000  
General Fund--Federal Appropriation \$3,757,510,000  
General Fund--Private/Local Appropriation \$239,930,000  
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$5,000,000

Health Services Account--State Appropriation \$1,019,815,000  
TOTAL APPROPRIATION \$7,310,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$999,000 of the health services account appropriation for fiscal year 2004, \$1,519,000 of the health services account appropriation for fiscal year 2005, and \$2,142,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, \$52,057,000 of the fiscal year 2004 health services account appropriation, \$35,016,000 of the fiscal year 2005 health services account appropriation, and \$87,074,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$3,500,000 for the 2003-05 biennium.

(9) \$14,616,000 of the health services account appropriation for fiscal year 2004, \$12,394,000 of the health services account appropriation for fiscal year 2005, and \$27,010,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(10) \$20,000,000 of the general fund--state appropriation for fiscal year 2004, \$20,000,000 of the general fund--state appropriation for fiscal year 2005, and \$40,000,000 of the general fund--federal appropriation are provided solely for grants to providers serving a disproportionate share of low-income and uninsured patients. For purposes of this subsection, providers may include, but are not limited to, hospitals, physicians, and transportation providers. In developing a methodology for distributing grants to hospitals, the department may consider relative net financial margins of hospitals.

(11) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(12) The department shall separately track the total amount of any rebates obtained from drug manufacturers that are supplemental to the amounts required by federal law.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2004 and \$1,403,000 of the general fund--federal appropriation are provided solely for a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches.

(14) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. In accordance with the Washington medicaid integration partnership (WMIP) the department may combine and transfer such medicaid funds (including medical, long-term care, mental health and substance abuse treatment) as may be necessary to finance a unified health care plan for the WMIP program enrollment. The state may withhold from calculations of "available resources" as defined in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in this pilot.

(15) The department may employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(16) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(17) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(18) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(19) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(20) The appropriations in this section reflect lower prescription drug cost trends resulting from implementation of Engrossed Second Substitute House Bill No. 1214 (prescription drugs). As provided in section 15 of Engrossed Second Substitute House Bill No. 1214, the department shall terminate the therapeutic consultation service four brand limit program component earlier than July 1, 2005, if, upon monitoring prescriber compliance with the preferred drug list and trends in the therapeutic consultation service four brand limit program component, the department determines the number of pharmacy claims that trigger the four brand edit exception under therapeutic consultation services is below 925 claims per month for three consecutive months.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
VOCATIONAL REHABILITATION PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2004) \$10,479,000

General Fund--State Appropriation (FY 2005) \$10,792,000

General Fund--Federal Appropriation \$85,777,000

TOTAL APPROPRIATION \$107,048,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ADMINISTRATION AND SUPPORTING  
SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$58,421,000

General Fund--State Appropriation (FY 2005) \$123,806,000

General Fund--Federal Appropriation \$170,419,000

General Fund--Private/Local Appropriation \$810,000

TOTAL APPROPRIATION \$353,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$153,000 of the general fund--state appropriation for fiscal year 2004, \$747,000 of the general fund--state appropriation for 2005, and \$899,000 of the general fund--federal appropriation are provided solely for transition costs associated with the closure of Fircrest school as directed by Engrossed Senate Bill No. 5971 (residential habilitation centers). To minimize the disruption to the ongoing work plan of the developmental disabilities program, the department shall organize the Fircrest school closure and resident transition effort to report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (a) Determine appropriate ways to maximize federal reimbursement during the closure of the facility;
- (b) Negotiate with representatives of employees affected by the closure to determine strategies such as individual employment counseling through the department of personnel and employment security; retraining and placement into other state jobs; and ways to cover the costs of unemployment benefits.
- (c) Examine opportunities for state employees to continue caring for clients by assisting them in setting up community residential alternatives. In conducting the review, the department will examine efforts pursued by other states as part of institutional closure efforts.
- (d) Provide recommendations to the appropriate committees of the legislature on ways to reduce operational costs at the remaining residential habilitation centers, paying particular attention to the following: (i) Direct and indirect staffing levels of an residential habilitation center skilled nursing facility as compared to a comparable private skilled nursing facility or state-operated skilled nursing facilities in other states; (ii) the level of active treatment provided to clients residing in designated skilled nursing facility beds; and (iii) overall staffing levels. The administration may use funds from the appropriation to authorize a contract for assistance. These recommendations will be included in the report provided in (e) of this subsection.
- (e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the services offered at Fircrest school to clients being served in community settings.
- (f) Provide regular electronic updates to the appropriate committees of the legislature on progress and updates to the facility closure work plan. In addition, the department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.
- (g) The department shall consult with the city of Shoreline on the development of a master plan for the Fircrest property.

(2) \$26,123,000 of the general fund--state appropriation for fiscal year 2005 and \$24,110,000 of the general fund--federal appropriation are provided solely for vendor rate increases. These funds may be transferred from the administration and supporting services program to various other programs within the department to implement the increases.

(3) \$32,420,000 of the general fund--state appropriation for fiscal year 2004, \$66,138,000 of the general fund--state appropriation for fiscal year 2005, and \$96,118,000 of the general fund--federal appropriation are provided solely for the purposes of implementing the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. These funds may be transferred from the administration and supporting services program to various other programs within the department or to other agencies to implement the collective bargaining agreement.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
PAYMENTS TO OTHER AGENCIES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES-PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2004) \$43,882,000

General Fund--State Appropriation (FY 2005) \$43,882,000

General Fund--Federal Appropriation \$43,674,000

**TOTAL APPROPRIATION \$131,438,000**

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY  
STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2004) \$39,000

General Fund--State Appropriation (FY 2005) \$37,000

State Health Care Authority Administrative Account--State Appropriation \$18,273,000

Health Services Account--State Appropriation \$427,663,000

General Fund--Federal Appropriation \$2,711,000

**TOTAL APPROPRIATION \$448,723,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the health services account--state appropriation is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for

interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(2) \$172,231,000 of the health services account--state appropriation is provided solely for expenditure in calendar year 2004 and \$96,292,000 of the health services account--state appropriation is provided solely for expenditure in calendar year 2005 to subsidize enrollment for persons in the basic health plan. In order to maximize the number of enrollees that the appropriation in the subsection can support, the health care authority is directed to make modifications in the basic health plan that will reduce the actuarial value of basic health plan coverage. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventive services. The health care authority shall base its enrollment policies during the 2003-2005 biennium on its September 6, 2001, administrative policy on basic health enrollment management.

(3) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(4) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay for the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per person per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(5)(a) In coordination with the department of social and health services medical assistance administration and other interested entities, the administrator will identify and design pilot projects to improve health care coverage access, including review of proposals by entities that have received funding through the federal health resources and services administration community access program. The administrator may identify pilot projects that are found feasible and that will not require financial resources beyond those appropriated for the basic health plan or the medical assistance administration in the biennial operating budget. Pilot projects may include applying basic health plan or medical assistance subsidy payments toward employer-sponsored health insurance or other health insurance premium shares, rather than as direct payments to managed health care systems participating in the basic health plan or medical assistance program.

(b) The schedule of benefits for persons enrolled through a potential pilot project may differ from the benefits offered through the basic health plan, but shall be reasonably comparable in value to those benefits.

(c) By November 1, 2003, the administrator and the secretary of the department of social and health services shall jointly report to the health care committees of the senate and the house of representatives on their progress in developing the pilot projects, the requested implementation date of any pilot project under development, and any statutory changes needed to implement the pilot projects.

(6) Upon enactment of Engrossed Substitute House Bill No. 1299 (state purchased health care) during the 2003 legislative session, the administrator, in coordination with the department of social and health services and the department of labor and industries shall undertake an evidence-based review and assessment of the effectiveness of spinal cord stimulators and drug infusion pumps. In performing the assessment, the administrator and the departments shall consider the best available external clinical evidence derived from systematic research, and relevant coverage criteria and standards adopted by other federal and state health care programs.

(7) Within the amounts appropriated in this act, sufficient funding is provided for implementation of Second Substitute House Bill No. 1214 (prescription drugs).

(8)(a) To maximize opportunities to decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources, collectively:

(i) Assess each of the strategies in (b) of this subsection;

(ii) Take steps to implement by December 31, 2004, those strategies in (b) of this subsection that are feasible to implement, taking into consideration fiscal constraints, and federal or state statutory or regulatory barriers;

(iii) To the extent that a strategy in (b) of this subsection cannot be implemented by December 2004, identify the specific fiscal constraints, or the specific federal or state statutory or regulatory barriers, that prevent its implementation; and

(iv) On or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the activities provided in (a)(i) through (iii) of this subsection.

(b) The strategies to be assessed under this subsection include the following:

(i) Improve core services, including: Improving timeliness of claims processing and responses to provider inquiries; improving distribution of medical assistance program fee schedules; and clearly defining and communicating scope of coverage under managed care contracts;

(ii) Streamline current administrative practices, including: Maximizing the capacity for electronic billing and claims submission; and providing electronic access to eligibility, benefits exclusion, and authorization information;

(iii) Establish clear expectations, including developing clear auditing and data requirements for contracting managed health care plans; and improving consistency between edits in claims processing systems and published fee schedules;

(iv) Increase consistency with national and regional standards, including: Eliminating "local" billing codes wherever possible; adopting medicare's ambulatory patient classification system for outpatient hospital payments; and increasing the extent to which state agencies accept compliance with standards adopted by national managed care accreditation organizations as meeting agency requirements for managed care contractors; and

(v) Standardize similarities between agencies, including applying codes consistently across state-purchased health care programs; eliminating burdensome data collection by having state agencies collect data that is available from other state agencies; coordinating audits by state agencies; and standardizing definitions and interpretations of services.

(9) \$39,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for administrative costs associated with providing health insurance coverage to state-funded individual providers through the basic health plan or an equivalent health plan determined by the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. If an equivalent health plan is purchased under the terms of the collective bargaining agreement, the health care authority shall transfer the funds in this appropriation to the department of social and health services.

**NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**  
HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,408,000

General Fund--State Appropriation (FY 2005) \$2,447,000

General Fund--Federal Appropriation \$1,523,000

General Fund--Private/Local Appropriation \$100,000

TOTAL APPROPRIATION \$6,478,000

**NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**  
BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation \$20,000

Accident Account--State Appropriation \$15,129,000

Medical Aid Account--State Appropriation \$15,128,000

TOTAL APPROPRIATION \$30,277,000

**NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--Local Appropriation \$460,000

Death Investigations Account--State Appropriation \$148,000

Public Safety and Education Account--State Appropriation \$17,869,000

TOTAL APPROPRIATION \$18,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$6,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.

(4) \$9,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.

(5) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**  
DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004) \$5,940,000



General Fund--State Appropriation (FY 2005) \$5,938,000  
 Public Safety and Education Account--State Appropriation \$22,429,000  
 Public Safety and Education Account--Federal Appropriation \$8,462,000  
 Asbestos Account--State Appropriation \$693,000  
 Electrical License Account--State Appropriation \$29,047,000  
 Farm Labor Revolving Account--Private/Local Appropriation \$28,000  
 Worker and Community Right-to-Know Account--State Appropriation \$2,548,000  
 Public Works Administration Account--State Appropriation \$2,435,000  
 Accident Account--State Appropriation \$189,453,000  
 Accident Account--Federal Appropriation \$13,398,000  
 Medical Aid Account--State Appropriation \$188,487,000  
 Medical Aid Account--Federal Appropriation \$2,962,000  
 Plumbing Certificate Account--State Appropriation \$1,461,000  
 Pressure Systems Safety Account--State Appropriation \$2,815,000  
 TOTAL APPROPRIATION \$476,096,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$100,000 of the medical aid account--state appropriation is provided solely to implement House Bill No. 2122 (state purchased health care). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(4) \$314,000 of the accident account--state appropriation and \$56,000 of the medical aid account--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5890 (agricultural workers). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**  
 INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2004) \$989,000  
 General Fund--State Appropriation (FY 2005) \$989,000  
 TOTAL APPROPRIATION \$1,978,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2004) \$1,563,000  
 General Fund--State Appropriation (FY 2005) \$1,564,000  
 Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000  
 TOTAL APPROPRIATION \$3,138,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) \$2,605,000  
 General Fund--State Appropriation (FY 2005) \$2,630,000  
 General Fund--Federal Appropriation \$309,000  
 General Fund--Private/Local Appropriation \$1,670,000  
 TOTAL APPROPRIATION \$7,214,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$7,500,000  
 General Fund--State Appropriation (FY 2005) \$5,918,000  
 General Fund--Federal Appropriation \$27,336,000  
 General Fund--Private/Local Appropriation \$27,934,000  
 TOTAL APPROPRIATION \$68,688,000

**NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY**  
HOME CARE QUALITY AUTHORITY  
General Fund--State Appropriation (FY 2004) \$472,000  
General Fund--State Appropriation (FY 2005) \$427,000  
TOTAL APPROPRIATION \$899,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the design and development of the home care provider registry mandated by Initiative Measure No. 775.  
(2) \$67,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for costs associated with ongoing administrative, labor, and employment relations costs determined by the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH**  
DEPARTMENT OF HEALTH  
General Fund--State Appropriation (FY 2004) \$61,098,000  
General Fund--State Appropriation (FY 2005) \$63,290,000  
Health Services Account--State Appropriation \$34,293,000  
General Fund--Federal Appropriation \$349,154,000  
General Fund--Private/Local Appropriation \$90,652,000  
Hospital Commission Account--State Appropriation \$2,492,000  
Health Professions Account--State Appropriation \$40,606,000  
Emergency Medical Services and Trauma Care Systems Trust Account--State  
Appropriation \$22,053,000  
Safe Drinking Water Account--State Appropriation \$2,738,000  
Drinking Water Assistance Account--Federal Appropriation \$13,520,000  
Waterworks Operator Certification--State Appropriation \$637,000  
Water Quality Account--State Appropriation \$3,375,000  
Accident Account--State Appropriation \$260,000  
Medical Aid Account--State Appropriation \$46,000  
State Toxics Control Account--State Appropriation \$2,631,000  
Medical Test Site Licensure Account--State Appropriation \$1,720,000  
Youth Tobacco Prevention Account--State Appropriation \$1,806,000  
Tobacco Prevention and Control Account--State Appropriation \$52,516,000  
TOTAL APPROPRIATION \$742,887,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, emergency medical services personnel, commercial shellfish licenses, and newborn screening programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.  
(2) \$1,675,000 of the general fund--state fiscal year 2004 appropriation and \$1,676,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.  
(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.  
(4) \$21,650,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.  
(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545. If Substitute Senate Bill No. 5545 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) The appropriations in this section assume a reduction in the level of state funding to the AIDSNETs. In implementing this reduction, the department will direct that administrative efficiencies will be implemented before reductions to direct services.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**  
**DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2004) \$38,883,000  
General Fund--State Appropriation (FY 2005) \$35,891,000  
Public Safety and Education Account--State Appropriation \$3,665,000  
Violence Reduction and Drug Enforcement Account Appropriation \$26,000  
TOTAL APPROPRIATION \$78,465,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,250,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2004) \$439,277,000  
General Fund--State Appropriation (FY 2005) \$445,045,000  
General Fund--Federal Appropriation \$8,746,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$2,984,000  
TOTAL APPROPRIATION \$896,052,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$478,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

**(3) COMMUNITY SUPERVISION**

General Fund--State Appropriation (FY 2004) \$74,229,000  
General Fund--State Appropriation (FY 2005) \$74,710,000  
Public Safety and Education Account--State Appropriation \$15,492,000  
TOTAL APPROPRIATION \$164,431,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the

institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$13,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$2,767,000 of the general fund--state appropriation for fiscal year 2004 and \$2,871,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the provision of electronic monitoring services to offenders who receive earned early release time at the rate of fifty percent pursuant to the implementation of Senate Bill No. 5990 (supervision of offenders). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**(4) CORRECTIONAL INDUSTRIES**

General Fund--State Appropriation (FY 2004) \$642,000  
General Fund--State Appropriation (FY 2005) \$642,000  
TOTAL APPROPRIATION \$1,284,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

**(5) INTERAGENCY PAYMENTS**

General Fund--State Appropriation (FY 2004) \$27,951,000  
General Fund--State Appropriation (FY 2005) \$27,986,000  
TOTAL APPROPRIATION \$55,937,000

**Sec. 223.** 2003 c 10 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.**

DEPARTMENT OF CORRECTIONS The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2002) \$36,786,000  
General Fund--State Appropriation (FY 2003) (~~(\$36,239,000)~~) \$32,989,000  
  
Public Safety and Education Account--State Appropriation \$1,576,000  
Violence Reduction and Drug Enforcement Account Appropriation \$3,254,000  
TOTAL APPROPRIATION (~~(\$77,855,000)~~) \$74,605,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$4,623,000)~~) \$1,373,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender- based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2002) \$404,390,000  
General Fund--State Appropriation (FY 2003) \$433,915,000

General Fund--Federal Appropriation \$9,936,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$1,596,000  
Public Health Services Account Appropriation \$1,453,000  
TOTAL APPROPRIATION \$851,290,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

### (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000  
General Fund--State Appropriation (FY 2003) \$77,436,000  
General Fund--Federal Appropriation \$870,000  
Public Safety and Education Account--State Appropriation \$15,493,000  
TOTAL APPROPRIATION \$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000  
General Fund--State Appropriation (FY 2003) \$629,000  
TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS  
General Fund--State Appropriation (FY 2002) \$18,568,000  
General Fund--State Appropriation (FY 2003) \$18,569,000  
TOTAL APPROPRIATION \$37,137,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**  
DEPARTMENT OF SERVICES FOR THE BLIND  
General Fund--State Appropriation (FY 2004) \$1,773,000  
General Fund--State Appropriation (FY 2005) \$1,773,000  
General Fund--Federal Appropriation \$14,334,000  
General Fund--Private/Local Appropriation \$80,000  
TOTAL APPROPRIATION \$17,960,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**  
SENTENCING GUIDELINES COMMISSION  
General Fund--State Appropriation (FY 2004) \$747,000  
General Fund--State Appropriation (FY 2005) \$750,000  
TOTAL APPROPRIATION \$1,497,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
EMPLOYMENT SECURITY DEPARTMENT  
General Fund--Federal Appropriation \$267,620,000  
General Fund--Private/Local Appropriation \$30,217,000  
Unemployment Compensation Administration Account--Federal Appropriation \$185,710,000  
Administrative Contingency Account--State Appropriation \$14,751,000  
Employment Service Administrative Account--State Appropriation \$23,240,000  
TOTAL APPROPRIATION \$521,538,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the administrative contingency account--state appropriation is provided solely to establish an advisory partnership on the Washington manufacturing sector as specified in this section.

(1) The employment security department shall convene the partnership, which shall consist of the following twelve members:

(a) One member from each caucus of the house of representatives, each member being a member of the house of representatives commerce and labor committee, appointed by the speaker of the house of representatives;

(b) One member from each caucus of the senate, each member being a member of the senate commerce and trade committee, appointed by the president of the senate;

(c) Two members representing labor, appointed jointly by the president of the senate and the speaker of the house of representatives, from a list of names recommended by a statewide organization representing a cross-section and majority of organized labor in the state;

(d) Two members representing business, appointed jointly by the president of the senate and the speaker of the house of representatives, from a list of names recommended by a statewide organization of employers representing a majority of employers of the state;

(e) One member representing the Washington competitiveness council, appointed by the governor;

(f) One member representing the department of community, trade, and economic development;

(g) One member representing the department of revenue; and

(h) One member representing a state technology agency such as the Spokane intercollegiate research and technical institute, or the Washington technology center.

(2) The labor market and economic analysis branch of the employment security department shall assist the manufacturing advisory partnership as necessary to perform studies, develop recommendations, and report to the legislature concerning issues related to the manufacturing sector.

(3) The manufacturing advisory partnership, with the assistance of the employment security department, shall review policies and programs related to Washington's manufacturing sector that are developed or administered by public or private entities. These entities shall include, but are not limited to, the Washington state competitiveness council, the state economic development commission, the department of community, trade, and economic development, the department of revenue, state technology agencies, and the Washington manufacturing service.

(4) The manufacturing advisory partnership, with the assistance of the employment security department, shall also study and make findings and recommendations related to the following aspects of Washington's manufacturing sector:

- (a) Legislative policies and programs related to Washington's manufacturing sector;
- (b) The work force education and training needs of the manufacturing sector;
- (c) The use of manufacturing skill standards to enhance work force development and human resources practices;
- (d) The activities necessary to develop regionally strategic industry clusters; and
- (e) Other issues identified by the partnership.

(5) The manufacturing advisory partnership shall report its findings and recommendations to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1 of each year.

(6) Legislative members of the manufacturing advisory partnership shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

### **PART III NATURAL RESOURCES**

#### **NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION** COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2004) \$596,000  
General Fund--State Appropriation (FY 2005) \$602,000  
General Fund--Private/Local Appropriation \$763,000  
TOTAL APPROPRIATION \$1,961,000

The appropriations in this section are subject to the following conditions and limitations: \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

#### **NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY** DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) \$34,871,000  
General Fund--State Appropriation (FY 2005) \$32,671,000  
General Fund--Federal Appropriation \$57,363,000  
General Fund--Private/Local Appropriation \$3,722,000  
Special Grass Seed Burning Research Account--State Appropriation \$14,000  
Reclamation Revolving Account--State Appropriation \$2,768,000  
Flood Control Assistance Account--State Appropriation \$2,025,000  
State Emergency Water Projects Revolving Account--State Appropriation \$554,000  
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$13,746,000  
State Drought Preparedness Account--State Appropriation \$1,710,000  
State and Local Improvements Revolving Account (Water Supply Facilities)  
--State Appropriation \$597,000  
Vehicle Tire Recycling Account--State Appropriation \$3,000,000  
Site Closure Account--State Appropriation \$629,000  
Water Quality Account--State Appropriation \$24,304,000  
Wood Stove Education and Enforcement Account--State Appropriation \$356,000  
Worker and Community Right-to-Know Account--State Appropriation \$3,365,000  
State Toxics Control Account--State Appropriation \$59,932,000  
State Toxics Control Account--Private/Local Appropriation \$112,000  
Local Toxics Control Account--State Appropriation \$4,904,000  
Water Quality Permit Account--State Appropriation \$25,305,000

Underground Storage Tank Account--State Appropriation \$2,724,000  
 Environmental Excellence Account--State Appropriation \$504,000  
 Biosolids Permit Account--State Appropriation \$788,000  
 Hazardous Waste Assistance Account--State Appropriation \$4,205,000  
 Air Pollution Control Account--State Appropriation \$1,662,000  
 Oil Spill Prevention Account--State Appropriation \$7,783,000  
 Air Operating Permit Account--State Appropriation \$3,709,000  
 Freshwater Aquatic Weeds Account--State Appropriation \$2,505,000  
 Oil Spill Response Account--State Appropriation \$7,078,000  
 Metals Mining Account--State Appropriation \$19,000  
 Water Pollution Control Revolving Account--State Appropriation \$382,000  
 Water Pollution Control Revolving Account--Federal Appropriation \$1,879,000  
 Vessel Response Account Appropriation \$3,000,000  
 TOTAL APPROPRIATION \$308,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments as required by the shoreline settlement agreement.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$300,000 of the state toxics control account appropriation is provided solely to implement the department's persistent bioaccumulative toxic (PBT) chemical strategy. The department shall conduct baseline PBT sampling and monitoring of fish tissue at twenty lakes per year and shall implement the mercury chemical action plan, which shall include, but is not limited to: The development and implementation of a memorandum of understanding with the Washington state dental association regarding amalgam handling and disposal; the adoption of a universal waste rule for mercury added products; educational outreach to the medical community about disposal of hazardous waste; and the development and implementation of a voluntary fluorescent lamp recycling program.

(8) \$3,000,000 of the vessel response account--state appropriation is provided solely to implement House Bill No. 2241 (Puget Sound protection). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(9) \$3,000,000 of the vehicle tire recycling account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1705 (tire recycling). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2004) \$27,991,000  
 General Fund--State Appropriation (FY 2005) \$27,977,000  
 General Fund--Federal Appropriation \$2,672,000  
 General Fund--Private/Local Appropriation \$63,000  
 Winter Recreation Program Account--State Appropriation \$1,081,000  
 Off Road Vehicle Account--State Appropriation \$192,000  
 Snowmobile Account--State Appropriation \$4,675,000  
 Aquatic Lands Enhancement Account--State Appropriation \$334,000  
 Public Safety and Education Account--State Appropriation \$47,000



Parks Renewal and Stewardship Account--State Appropriation \$38,437,000  
TOTAL APPROPRIATION \$103,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2004) \$283,000  
General Fund--State Appropriation (FY 2005) \$292,000  
General Fund--Federal Appropriation \$16,358,000  
Firearms Range Account--State Appropriation \$22,000  
Recreation Resources Account--State Appropriation \$2,624,000  
NOVA Program Account--State Appropriation \$659,000  
Water Quality Account--State Appropriation \$200,000  
TOTAL APPROPRIATION \$20,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

**ENVIRONMENTAL HEARINGS OFFICE**  
General Fund--State Appropriation (FY 2004) \$955,000  
General Fund--State Appropriation (FY 2005) \$992,000  
TOTAL APPROPRIATION \$1,947,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

**CONSERVATION COMMISSION**  
General Fund--State Appropriation (FY 2004) \$2,186,000  
General Fund--State Appropriation (FY 2005) \$2,197,000  
Water Quality Account--State Appropriation \$2,168,000  
TOTAL APPROPRIATION \$6,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$68,000 of the general fund--state appropriation for fiscal year 2004 and \$71,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**DEPARTMENT OF FISH AND WILDLIFE**  
General Fund--State Appropriation (FY 2004) \$42,591,000

General Fund--State Appropriation (FY 2005) \$41,314,000  
 General Fund--Federal Appropriation \$31,709,000  
 General Fund--Private/Local Appropriation \$24,372,000  
 Off Road Vehicle Account--State Appropriation \$341,000  
 Aquatic Lands Enhancement Account--State Appropriation \$5,641,000  
 Public Safety and Education Account--State Appropriation \$562,000  
 Recreational Fisheries Enhancement Account--State Appropriation \$3,404,000  
 Warm Water Game Fish Account--State Appropriation \$2,582,000  
 Eastern Washington Pheasant Enhancement Account--State Appropriation \$750,000  
 Wildlife Account--State Appropriation \$57,388,000  
 Wildlife Account--Federal Appropriation \$38,325,000  
 Wildlife Account--Private/Local Appropriation \$15,189,000  
 Game Special Wildlife Account--State Appropriation \$1,955,000  
 Game Special Wildlife Account--Federal Appropriation \$9,606,000  
 Game Special Wildlife Account--Private/Local Appropriation \$350,000  
 Water Quality Account--State Appropriation \$4,000  
 Environmental Excellence Account--State Appropriation \$15,000  
 Regional Fisheries Salmonid Recovery Account-- Federal Appropriation \$1,750,000  
 Oil Spill Prevention Account--State Appropriation \$982,000  
 Oyster Reserve Land Account--State Appropriation \$137,000  
 TOTAL APPROPRIATION \$278,967,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.
- (2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) \$850,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.
- (4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.
- (5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.
- (6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.
- (8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.
- (9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.
- (10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.
- (11) \$67,000 of the general fund--state appropriation for fiscal year 2004 and \$67,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.
- (12) \$238,000 of the state wildlife account--state appropriation is provided solely to implement Second Substitute House Bill No. 1725 (catch record cards). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (13) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute

House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) Within the amounts provided in this section, sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). The department shall enter into an interagency agreement with the conservation commission and provide up to \$100,000 for the assessments leading to the development of the Skagit tide gates and estuarine habitat plans. If the bill is not enacted by June 30, 2003, this subsection shall lapse.

(15) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(16) Within the amounts provided in this section, sufficient funding is provided to implement Engrossed Substitute Senate Bill No. 5375 (hydraulic project approval).

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2004) \$32,329,000  
General Fund--State Appropriation (FY 2005) \$32,055,000  
General Fund--Federal Appropriation \$3,809,000  
General Fund--Private/Local Appropriation \$2,482,000  
Forest Development Account--State Appropriation \$52,154,000  
Off Road Vehicle Account--State Appropriation \$3,544,000  
Surveys and Maps Account--State Appropriation \$2,770,000  
Aquatic Lands Enhancement Account--State Appropriation \$6,889,000  
Resources Management Cost Account--State Appropriation \$62,663,000  
Surface Mining Reclamation Account--State Appropriation \$2,305,000  
Disaster Response Account--State Appropriation \$6,200,000  
Water Quality Account--State Appropriation \$2,497,000  
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,357,000  
Natural Resource Conservation Areas Stewardship Account Appropriation \$83,000  
Air Pollution Control Account--State Appropriation \$528,000  
Agricultural College Trust Management Account Appropriation \$1,876,000  
Derelict Vessel Removal Account--State Appropriation \$1,130,000  
TOTAL APPROPRIATION \$214,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$3,784,000 of the general fund--state appropriation for fiscal year 2004, \$3,841,000 of the general fund--state appropriation for fiscal year 2005, and \$6,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.

(10) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting). The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(11) \$72,000 of the general fund--state appropriation of fiscal year 2004 and \$162,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2004) \$7,501,000

General Fund--State Appropriation (FY 2005) \$7,360,000

General Fund--Federal Appropriation \$10,082,000

General fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State Appropriation \$1,940,000

Water Quality Account--State Appropriation \$636,000

State Toxics Control Account--State Appropriation \$2,584,000

Water Quality Permit Account--State Appropriation \$110,000

TOTAL APPROPRIATION \$31,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$110,000 of the water quality permit account--state appropriation and \$640,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY**  
**REINSURANCE PROGRAM**

WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account-- State Appropriation \$982,000

**PART IV**  
**TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**  
**DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2004) \$5,052,000

General Fund--State Appropriation (FY 2005) \$5,084,000

Architects' License Account--State Appropriation \$693,000

Cemetery Account--State Appropriation \$236,000

Professional Engineers' Account--State Appropriation \$3,027,000

Real Estate Commission Account--State Appropriation \$7,114,000

Master License Account--State Appropriation \$9,093,000

Uniform Commercial Code Account--State Appropriation \$2,976,000

Real Estate Education Account--State Appropriation \$276,000

Real Estate Appraisers Commission Account--State Appropriation \$927,000

Geologist's Account--State Appropriation \$8,000

Funeral Directors and Embalmers Account--State Appropriation \$519,000

Washington Real Estate Research Account--State Appropriation \$308,000

Data Processing Revolving Account--State Appropriation \$29,000  
TOTAL APPROPRIATION \$35,342,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**  
STATE PATROL

General Fund--State Appropriation (FY 2004) \$20,316,000  
General Fund--State Appropriation (FY 2005) \$19,166,000  
General Fund--Federal Appropriation \$4,234,000  
General Fund--Private/Local Appropriation \$378,000  
Death Investigations Account--State Appropriation \$4,477,000  
Public Safety and Education Account--State Appropriation \$19,630,000  
Enhanced 911 Account--State Appropriation \$612,000  
County Criminal Justice Assistance Account--State Appropriation \$3,190,000  
Municipal Criminal Justice Assistance Account-- State Appropriation \$1,695,000  
Fire Service Trust Account--State Appropriation \$125,000  
Fire Service Training Account--State Appropriation \$7,326,000  
State Toxics Control Account--State Appropriation \$474,000  
Violence Reduction and Drug Enforcement Account-- State Appropriation \$284,000  
Fingerprint Identification Account--State Appropriation \$4,397,000  
TOTAL APPROPRIATION \$86,304,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$750,000 of the fire services training account--state appropriation is provided solely for the implementation of Engrossed House Bill No. 1109 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire services account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

**PART V**  
**EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS  
General Fund--State Appropriation (FY 2004) \$11,800,000  
General Fund--State Appropriation (FY 2005) \$11,777,000  
General Fund--Federal Appropriation \$15,921,000  
TOTAL APPROPRIATION \$39,498,000

The appropriations in this section are subject to the following conditions and limitations:  
(a) \$10,836,000 of the general fund--state appropriation for fiscal year 2004 and \$10,833,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction.  
(b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.  
(c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and \$416,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board.  
(d) \$120,000 of the fiscal year 2004 appropriation and \$100,000 of the fiscal year 2005 appropriation are provided solely for an early learning and child care task force. The task force shall be under the joint authority

of the governor and the superintendent of public instruction who shall deliver a progress report on the work of the task force to the legislature by January 15, 2004, and who shall deliver a final report to the legislature by December 1, 2004.

(i) The task force shall develop a plan for the coordination of early learning and child care programs and services, including a plan for consolidating such programs and services, as appropriate.

(ii) The governor and the superintendent of public instruction, in consultation with the task force, shall create consistent early learning goals for children younger than school age that are aligned with K-12 standards.

(iii) The task force shall consist of seventeen members as follows:

(A) Five members recommended by the child care coordinating committee, jointly appointed by the governor and the superintendent of public instruction;

(B) Four members appointed by the governor;

(C) Four members appointed by the superintendent of public instruction; and

(D) Four members of the legislature, each of whom shall serve as ex officio, nonvoting members of the task force: One appointed by the speaker of the house of representatives; one appointed by the senate majority leader; one appointed by the house of representatives minority leader; and one appointed by the senate minority leader.

(iv) The governor and the superintendent of public instruction shall each appoint a cochair of the task force from among its membership.

(v) Initial appointments to the task force shall be made within thirty days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments.

(vi) Nongovernmental members of the task force shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The superintendent shall, in coordination with the department of health, develop a model nutritional policy for local school districts to consider when establishing food and nutrition policies. The model policy shall be based on current nutritional science and shall provide schools with options regarding the nutritional content of meals served in public schools, foods sold in competition with those meals, the content of course curricula regarding nutrition, and strategies to increase the physical activity of students. The superintendent shall distribute the policy to school districts and school directors for their consideration and use. On or before December 1, 2004, the superintendent shall report to appropriate policy committees of the legislature on the extent to which school districts have adopted a food and nutrition policy.

## (2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) \$8,773,000

General Fund--State Appropriation (FY 2005) \$9,156,000

General Fund--Federal Appropriation \$66,405,000

TOTAL APPROPRIATION \$84,334,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

### (a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) A maximum of \$194,000 of the general fund--state appropriation for fiscal year 2004, a maximum of \$194,000 of the general fund--state appropriation for fiscal year 2005, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(v) \$13,663,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$306,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012. If Second Substitute House Bill No. 2012 is not enacted by June 30, 2003, these amounts shall lapse.

(ii) A maximum of \$1,020,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,020,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$1,433,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(ix) \$9,510,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(x) \$12,977,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after- school and inter-session activities for students.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2004) \$3,968,730,000

General Fund--State Appropriation (FY 2005) \$3,975,501,000

TOTAL APPROPRIATION \$7,944,231,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year, and a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year, may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5- 6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;



(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and 9.68 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.24 percent in the 2003-04 school year and 12.24 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,952 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,983 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$17,057 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$5,422,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$504,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year; and

(c) A maximum of \$353,000 may be expended for school district emergencies.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate months, by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate months.

(2) For the purposes of this section:

(a) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2003- 04 and 2004-05 school year salary allocations for the appropriate months for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 14, 2003, at 04:09 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff and for classified staff 8.74 percent for school year 2003-04 and 8.74 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

### K-12 Salary Allocation Schedule For Certificated Instructional Staff

From September 1, 2003 through December 31, 2003

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
0	28,300	29,064	29,856	30,649	33,196	34,836	33,929	36,476	38,118
1	28,680	29,455	30,257	31,086	33,659	35,291	34,306	36,879	38,510
2	29,327	30,117	30,936	31,837	34,428	36,093	35,025	37,616	39,280
3	30,293	31,107	31,950	32,899	35,536	37,274	36,089	38,725	40,464
4	30,975	31,833	32,690	33,681	36,360	38,129	36,840	39,519	41,288
5	31,682	32,553	33,427	34,483	37,179	39,001	37,610	40,307	42,129
6	32,091	32,943	33,847	34,956	37,639	39,470	38,023	40,706	42,537

7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272							
10				39,898	42,788	44,894	42,964	45,855	47,960
			38,477						
11					44,196	46,344	44,309	47,263	49,410
				41,243					
12					45,642	47,854	45,707	48,708	50,921
				42,545					
13						49,401	47,154	50,189	52,467
						47,123			
14						51,006	48,644	51,775	54,073
						48,611			
15						52,333	49,908	53,121	55,479
						49,876			
16 or more						53,379	50,906	54,183	56,588
					50,873				

K-12 Salary Allocation Schedule For Certificated Instructional Staff

From January 1, 2004 through December 31, 2004

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
	28,866	29,645	30,453	31,262	33,860	35,533	34,608	37,206	38,880
0									
1	29,254	30,044	30,862	31,708	34,332	35,996	34,993	37,616	39,281
2	29,913	30,720	31,554	32,473	35,116	36,815	35,726	38,368	40,066
3	30,898	31,730	32,589	33,557	36,247	38,019	36,811	39,499	41,273
4	31,594	32,470	33,343	34,354	37,087	38,891	37,576	40,309	42,113
5	32,316	33,205	34,096	35,172	37,923	39,781	38,363	41,113	42,972
6	32,733	33,602	34,523	35,656	38,392	40,260	38,783	41,520	43,388
7	33,802	34,692	35,636	36,841	39,645	41,585	39,968	42,773	44,713
8	34,886	35,825	36,791	38,095	40,938	42,948	41,223	44,066	46,076
9			38,011	39,363	42,272	44,351	42,490	45,400	47,479
		36,998							

10				40,696	43,644	45,792	43,824	46,772	48,919
				39,247					
11					45,080	47,270	45,195	48,208	50,398
				42,068					
12					46,555	48,811	46,621	49,682	51,939
				43,396					
13						50,389	48,097	51,193	53,517
					48,065				
14						52,026	49,617	52,810	55,154
					49,584				
15						53,379	50,906	54,183	56,588
					50,873				
16 or more						54,446	51,924	55,267	57,720
					51,891				

K-12 Salary Allocation Schedule For Certificated Instructional Staff

From January 1, 2005 through August 31, 2005

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
------------------	----	--------	--------	--------	--------	---------	----	--------	---------------

	29,414	30,208	31,031	31,855	34,502	36,208	35,265	37,912	39,618
0									
1	29,809	30,614	31,448	32,310	34,984	36,680	35,657	38,330	40,026
2	30,481	31,303	32,153	33,090	35,783	37,513	36,404	39,097	40,827
3	31,485	32,332	33,208	34,194	36,935	38,741	37,510	40,249	42,057
4	32,194	33,086	33,976	35,006	37,791	39,630	38,290	41,074	42,913
5	32,930	33,835	34,743	35,840	38,643	40,537	39,091	41,894	43,787
6	33,355	34,240	35,179	36,332	39,121	41,024	39,520	42,308	44,211
7	34,443	35,350	36,312	37,540	40,398	42,374	40,727	43,585	45,561
8	35,548	36,505	37,489	38,818	41,715	43,763	42,005	44,903	46,951
9			38,733	40,110	43,075	45,193	43,296	46,262	48,380
			37,700						
10				41,468	44,472	46,661	44,656	47,660	49,848
			39,992						
11					45,936	48,168	46,053	49,123	51,355
				42,866					

12	47,438	49,738	47,507	50,626	52,925
	44,220				
13		51,345	49,010	52,165	54,533
	48,978				
14		53,014	50,559	53,813	56,201
	50,525				
15		54,393	51,872	55,212	57,663
	51,839				
16 or more		55,480	52,910	56,316	58,816
	52,876				

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the



180- day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION-SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2004) \$66,366,000  
 General Fund--State Appropriation (FY 2005) \$217,328,000  
 General Fund--Federal Appropriation \$309,000  
**TOTAL APPROPRIATION \$284,003,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of \$140,667,000 is provided for a cost of living adjustment for state formula staff units of 2.0 percent effective January 1, 2004, and 1.9 percent effective on January 1, 2005. The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff and 8.74 percent for school year 2003-04 and 8.74 for school year 2004-05 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments effective January 1, 2004, for the 2003-04 school year and January 1, 2005, for the 2004-05 school year as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.45	\$0.88
Highly Capable (per formula student)	\$4.83	\$9.52
Transitional Bilingual Education (per eligible bilingual student)	\$12.95	\$25.49
Learning Assistance (per entitlement unit)	\$6.43	\$12.67
Substitute Teacher (allocation per teacher, section 502(7))	\$10.62	\$20.91

(2) \$143,336,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$496.69 per month for the 2003-04 school year and \$584.69 per month for the 2004-05 school year at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.36	\$1.16
Highly Capable (per formula student)	\$2.44	\$7.86
Transitional Bilingual Education (per eligible bilingual student)	\$6.41	\$20.66
Learning Assistance (per entitlement unit)	\$5.04	\$16.24

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2004) \$209,708,000

General Fund--State Appropriation (FY 2005) \$212,893,000

TOTAL APPROPRIATION \$422,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$782,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.20 per weighted mile in the 2003-04 school year and \$39.43 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2004) \$3,100,000

General Fund--State Appropriation (FY 2005) \$3,100,000

General Fund--Federal Appropriation \$272,069,000  
TOTAL APPROPRIATION \$278,269,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION-SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$437,640,000

General Fund--State Appropriation (FY 2005) \$440,668,000

General Fund--Federal Appropriation \$409,891,000

TOTAL APPROPRIATION \$1,288,199,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty- one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund-- federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation \$4,456,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall lapse if House Bill No. 1796 (driver's education funding) is not enacted by June 30, 2003.

(2) If House Bill No. 1796 is enacted by June 30, 2003, districts shall receive the following allocations: The maximum allocation to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be \$169.78 per eligible student in the 2003-04 school year and \$182.14 per eligible student in the 2004-05 school year.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2004) \$3,537,000

General Fund--State Appropriation (FY 2005) \$3,537,000

**TOTAL APPROPRIATION \$7,074,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2004) \$157,075,000

General Fund--State Appropriation (FY 2005) \$157,444,000

**TOTAL APPROPRIATION \$314,519,000**

The appropriations in this section are subject to the following conditions and limitations: Local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by .883 as authorized by House Bill No. 2251 (levy equalization).

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$18,596,000

General Fund--State Appropriation (FY 2005) \$19,092,000

**TOTAL APPROPRIATION \$37,688,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$279,000 of the general fund--state appropriation for fiscal year 2004 and \$286,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2004) \$6,597,000

General Fund--State Appropriation (FY 2005) \$6,614,000

TOTAL APPROPRIATION \$13,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and \$334.89 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-ELEMENTARY AND SECONDARY SCHOOL--IMPROVEMENT--NO CHILD LEFT BEHIND**

General Fund--Federal Appropriation \$46,198,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2004) \$38,083,000

General Fund--State Appropriation (FY 2005) \$35,979,000

General Fund--Federal Appropriation \$128,402,000

TOTAL APPROPRIATION \$202,464,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$16,542,000 of the general fund--state appropriation for fiscal year 2004, \$13,504,000 of the general fund--state appropriation for fiscal year 2005, and \$15,455,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning. Of the general fund--state amounts provided:

(a) \$419,000 in fiscal year 2004 and \$629,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test; developing alternative assessments; and a task force on best practices to provide additional assistance to students, as provided in Second Substitute House Bill No. 2124 (high school requirements). If Second Substitute House Bill No. 2124 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.

(b) \$450,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$480,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$480,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) \$1,564,000 of the general fund--state appropriation for fiscal year 2004 and \$2,497,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$70,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(14) \$266,000 of the general fund--state appropriation for fiscal year 2004 and \$266,000 of the general fund--state appropriation for fiscal year 2005 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(15) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(16) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall



include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(17) \$87,901,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(18) \$25,046,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2004) \$49,791,000

General Fund--State Appropriation (FY 2005) \$52,062,000

General Fund--Federal Appropriation (FY 2005) \$46,309,000

TOTAL APPROPRIATION \$148,162,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and \$725.11 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$65,384,000

General Fund--State Appropriation (FY 2005) \$64,049,000

General Fund--Federal Appropriation \$307,178,000

TOTAL APPROPRIATION \$436,611,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.14 per funded unit for the 2003-04 school year and \$433.01 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of

students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION-STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State Appropriation (FY 2004) \$203,123,000

Student Achievement Fund--State Appropriation (FY 2005) \$317,803,000

TOTAL APPROPRIATION \$520,926,000

(1) The entire fiscal year 2004 appropriation and \$303,373,000 of the fiscal year 2005 appropriation are subject to the following conditions and limitations:

(a) Funding for school district student achievement programs shall be allocated at a maximum rate of \$211.67 per FTE student for the 2003- 04 school year and \$316.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(b) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(i) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(ii) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(iii) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(iv) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(v) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(vi) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (i) through (iii) of this subsection (b).

(c) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

(2) \$14,430,000 of the fiscal year 2005 appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:

(a) For the 2004-05 school year, an additional .8 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502(2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection (2), additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(b) Funds provided under this subsection (2) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time students.

(c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.

(d) Funds provided under this subsection (2) shall be apportioned according to the monthly schedule established in RCW 28A.510.250.

**NEW SECTION. Sec. 518. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.**

**K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS**

State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**NEW SECTION. Sec. 519. FOR THE STATE BOARD OF EDUCATION**

**STATE BOARD OF EDUCATION**

Education Savings Account--State Appropriation \$27,000,000  
Education Construction Account--State Appropriation \$51,350,000  
TOTAL APPROPRIATION \$78,350,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$22,925,000 in fiscal year 2004 and \$28,425,000 in fiscal year 2005 of the education construction account appropriation shall be deposited in the common school construction account.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management, except for classified staff at the technical colleges, a salary increase of 2.0 percent on September 1, 2004. The technical colleges shall provide to classified employees under chapter 41.56 RCW an average salary increase of 2.0 percent on January 1, 2004, and 1.9 percent on January 1, 2005.

(c) Each institution of higher education, except for the community and technical colleges, shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 2.0 percent on September 1, 2004.

(d) The community and technical colleges shall provide to state-funded academic employees, as defined in RCW 28B.52.020 pursuant to the provisions of Initiative Measure No. 732, an average salary increase of 2.0 percent on January 1, 2004, and 1.9 percent on January 1, 2005.

(e) The community and technical colleges shall provide to state-funded exempt professional staff and academic administrators a salary increase of 2.0 percent on September 1, 2004.

(f) For the salary increases identified in (c), (d), and (e) of this subsection, each institution may provide the same average increases to similar positions that are not state-funded.

(g) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(h) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not

including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(h) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(h).

(i) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(j) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2003-04 and 2004-05 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection. Tuition fees may be increased in excess of the fiscal growth factor.

(a) For the 2003-04 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2002-03 academic year.

(b) For the 2004-05 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2003-04 academic year.

(c) For the 2003-04 and 2004-05 academic years, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may adjust tuition fees for other than resident undergraduate students at their discretion.

(d) For the 2003-05 biennium, the state board for community and technical colleges may increase tuition fees differentially at their discretion.

(e) For the 2003-05 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(f) The tuition increases adopted under (c) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW.

(4) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(5) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2003-05 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(6) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(7) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2003. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(8) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

NEW SECTION. Sec. 602. (1) The appropriations in sections 603 through 609 of this act provide state general fund support for full- time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2003-04 Annual Average	2004-05 Annual Average
University of Washington		
	32,427	32,427
Main campus		
Bothell branch	1,235	1,235
Tacoma branch	1,484	1,484
Washington State University		
	17,348	17,364
Main campus		
Spokane branch	593	593
Tri-Cities branch	616	616
Vancouver branch	1,153	1,153
	7,776	7,776
Central Washington University		
Eastern Washington University	8,017	8,017

The Evergreen State College	3,837	3,837
Western Washington University	11,126	11,126
State Board for Community and Technical Colleges	125,872	125,872

(2) In addition to the annual full-time equivalent student enrollments in this section, funding is provided in sections 603, 606, 607, 608, and 609 for additional high-demand enrollment slots.

Colleges and universities shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields pursuant to this subsection to the higher education coordinating board and the forecast division of the office of financial management by November of each year for the prior academic year.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2004) \$529,351,000  
 General Fund--State Appropriation (FY 2005) \$547,153,000  
 Student Achievement Fund--State Appropriation (FY 2005) \$6,168,000  
**TOTAL APPROPRIATION \$1,082,672,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) Salary and benefit savings from faculty turnover may be used to provide faculty salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(6) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 and \$28,761,000 of the general fund--state appropriation for fiscal year 2005 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for

unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2004 and \$568,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005.

(12) \$6,167,000 of the general fund--state appropriation for fiscal year 2004 and \$6,168,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means (a) health care; (b) viticulture and enology; and (c) expansion of worker retraining programs. The state board shall allocate resources among the three areas specified in this subsection and manage a competitive process for awarding these resources to the college districts.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**  
**UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2004) \$328,591,000  
General Fund--State Appropriation (FY 2005) \$343,209,000  
Death Investigations Account--State Appropriation \$261,000  
Accident Account--State Appropriation \$5,960,000  
Medical Aid Account--State Appropriation \$5,974,000  
Student Achievement Fund--State Appropriation (FY 2005) \$1,250,000  
**TOTAL APPROPRIATION \$685,245,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resource center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic

administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**  
**WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$191,508,000  
General Fund--State Appropriation (FY 2005) \$199,888,000  
Student Achievement Fund--State Appropriation (FY 2005) \$1,014,000  
TOTAL APPROPRIATION \$392,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(2) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(3) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(4) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means veterinary medicine. Within the amounts provided in this subsection, the university shall expand the entering class of veterinary medicine students by 16 full-time equivalent resident students each academic year during the 2003-05 biennium.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**  
**EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$43,337,000  
General Fund--State Appropriation (FY 2005) \$44,802,000  
Student Achievement Fund--State Appropriation (FY 2005) \$587,000  
TOTAL APPROPRIATION \$88,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$587,000 of the general fund--state appropriation for fiscal year 2004 and \$587,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means health sciences and computing and engineering sciences.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**  
**CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$42,651,000  
General Fund--State Appropriation (FY 2005) \$44,891,000  
Student Achievement Fund--State Appropriation (FY 2005) \$400,000  
TOTAL APPROPRIATION \$87,942,000

The appropriations in this section are subject to the following conditions and limitations:



(1) \$1,652,000 of the general fund--state appropriation for fiscal year 2004 and \$1,652,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 306 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means special education and elementary math and science programs.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**  
**THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2004) \$24,144,000

General Fund--State Appropriation (FY 2005) \$25,206,000

Student Achievement Fund--State Appropriation (FY 2005) \$273,000

TOTAL APPROPRIATION \$49,623,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$272,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means reservation based tribal programs for undergraduate students.

(3) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by March 1, 2004.

This study incorporates all studies outlined in Substitute House Bill No. 1028 (at-risk youth study), Substitute House Bill No. 1824 (treatment for juveniles), and Second Substitute House Bill No. 1841 (family services/intervention).

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Engrossed Second Substitute Senate Bill No. 5903 (juvenile offender sentencing). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex

offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**  
**WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$57,338,000  
General Fund--State Appropriation (FY 2005) \$59,880,000  
Student Achievement Fund--State Appropriation (FY 2005) \$643,000  
TOTAL APPROPRIATION \$117,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(3) \$642,000 of the general fund--state appropriation for fiscal year 2004 and \$643,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means special education, computer science, and information technology.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
POLICY COORDINATION AND ADMINISTRATION**  
**HIGHER EDUCATION COORDINATING BOARD-POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$2,195,000  
General Fund--State Appropriation (FY 2005) \$2,194,000  
General Fund--Federal Appropriation \$642,000  
TOTAL APPROPRIATION \$5,031,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
FINANCIAL AID AND GRANT PROGRAMS**  
**HIGHER EDUCATION COORDINATING BOARD-FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2004) \$142,930,000  
General Fund--State Appropriation (FY 2005) \$143,232,000  
General Fund--Federal Appropriation \$7,534,000  
Student Achievement Fund--State Appropriation (FY 2005) \$6,050,000  
TOTAL APPROPRIATION \$299,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and \$1,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional

scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$109,376,000 of the general fund--state appropriation for fiscal year 2004 and \$115,378,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program.

(a) After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(b) For the 2003-05 biennium, state need grant awards for students who attend independent baccalaureate institutions shall not exceed average tuition at the public regional universities as defined by RCW 28B.35.010.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the educational opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

(8) \$1,881,000 of the general fund--state appropriation for fiscal year 2004 and \$2,079,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$778,000 of the general fund--state appropriation for fiscal year 2004 and \$815,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and \$6,050,000 of the student achievement fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program.

(12) \$2,649,000 of the general fund--state appropriation for fiscal year 2004 and \$2,649,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

**WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2004) \$1,682,000

General Fund--State Appropriation (FY 2005) \$1,640,000

General Fund--Federal Appropriation \$53,796,000

TOTAL APPROPRIATION \$57,118,000

The appropriations in this section are subject to the following conditions and limitations: \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$485,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2004 as to the progress and future steps for INTEC as this new public-private partnership evolves.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2004) \$1,405,000

General Fund--State Appropriation (FY 2005) \$1,423,000

TOTAL APPROPRIATION \$2,828,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**  
WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,264,000

General Fund--State Appropriation (FY 2005) \$2,270,000

General Fund--Federal Appropriation \$1,026,000

TOTAL APPROPRIATION \$5,560,000

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2004) \$2,452,000

General Fund--State Appropriation (FY 2005) \$2,519,000

TOTAL APPROPRIATION \$4,971,000

**NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2004) \$1,459,000

General Fund--State Appropriation (FY 2005) \$1,490,000

TOTAL APPROPRIATION \$2,949,000

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**  
STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$4,655,000

General Fund--State Appropriation (FY 2005) \$4,700,000

General Fund--Private/Local Appropriation \$1,335,000

TOTAL APPROPRIATION \$10,690,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**  
STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2004) \$7,629,000

General Fund--State Appropriation (FY 2005) \$7,630,000

General Fund--Private/Local Appropriation \$232,000

TOTAL APPROPRIATION \$15,491,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

STATE TREASURER-BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$570,186,000

General Fund--State Appropriation (FY 2005) \$626,814,000

Debt-Limit General Fund Bond Retirement Account--State Appropriation \$10,000,000

State Building Construction Account--State Appropriation \$7,014,000

Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,587,000  
State Taxable Building Construction Account--State Appropriation \$322,000  
TOTAL APPROPRIATION \$1,216,923,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

STATE TREASURER-BOND RETIREMENT AND INTEREST

State Convention and Trade Center Account--State Appropriation \$29,014,000  
Accident Account--State Appropriation \$5,113,000  
Medical Aid Account--State Appropriation \$5,113,000  
TOTAL APPROPRIATION \$39,240,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

STATE TREASURER-BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$26,394,000  
General Fund--State Appropriation (FY 2005) \$24,805,000  
Capitol Historic District Construction Account--State Appropriation \$299,000  
Higher Education Construction Account--State Appropriation \$238,000  
State Vehicle Parking Account--State Appropriation \$102,000  
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$128,375,000  
TOTAL APPROPRIATION \$180,213,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

STATE TREASURER-BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$526,000  
General Fund--State Appropriation (FY 2005) \$526,000  
Higher Education Construction Account--State Appropriation \$35,000  
State Building Construction Account--State Appropriation \$2,032,000  
State Vehicle Parking Account--State Appropriation \$17,000  
Capitol Historic District Construction Account--State Appropriation \$45,000  
State Taxable Building Construction Account--State Appropriation \$50,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL.** OFFICE OF FINANCIAL MANAGEMENT-FIRE CONTINGENCY POOL The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND**

OFFICE OF FINANCIAL MANAGEMENT-EMERGENCY FUND

General Fund--State Appropriation (FY 2004) \$850,000  
General Fund--State Appropriation (FY 2005) \$850,000  
TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
REVOLVING FUND ADJUSTMENTS**

**OFFICE OF FINANCIAL MANAGEMENT-REVOLVING FUND ADJUSTMENTS**

General Fund--State Appropriation (FY 2004) \$3,350,000  
General Fund--State Appropriation (FY 2005) \$3,350,000  
Revolving Fund Revolving Account Appropriation \$2,792,000  
TOTAL APPROPRIATION \$9,492,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency revolving fund assessments for internal services to reflect policy changes made to the governor's proposed omnibus appropriations act.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the revolving fund revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
EXTRAORDINARY CRIMINAL JUSTICE COSTS**

**OFFICE OF FINANCIAL MANAGEMENT-EXTRAORDINARY CRIMINAL JUSTICE COSTS**

Public Safety and Education--State Appropriation \$766,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the entire appropriation to King county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 709. BELATED CLAIMS.**

**BELATED CLAIMS** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
PERSONNEL RESOURCES BOARD'S SALARY SURVEY FOR STATE AND HIGHER EDUCATION  
EMPLOYEES**

**OFFICE OF FINANCIAL MANAGEMENT-SALARY SURVEY--STATE AND HIGHER EDUCATION  
EMPLOYEES**

General Fund--State Appropriation (FY 2005) \$21,200,000  
Salary and Insurance Increase Revolving Account Appropriation \$17,385,000  
TOTAL APPROPRIATION \$38,585,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Funding is provided in sufficient amounts to bring the current salary range to within 8 ranges of their market rate for those state and higher education classified and exempt classes under the Washington personnel resources board whose current base salary is greater than 8 ranges from their approved survey applied salary range as determined under RCW 41.06.160.

(2) Implementation of the salary adjustments for the various classifications is effective September 1, 2004.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE  
BENEFITS**

**GOVERNOR-COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2004) \$12,846,000  
General Fund--State Appropriation (FY 2005) \$41,009,000  
General Fund--Federal Appropriation \$10,506,000  
General Fund--Private/Local Appropriation \$1,330,000  
Salary and Insurance Increase Revolving Account Appropriation \$51,315,000  
TOTAL APPROPRIATION \$117,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$520.29 per eligible employee for fiscal year 2004, and \$606.26 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$109.22. Starting January 1, 2005, the subsidy shall be \$132.20 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$44.19 per month beginning September 1, 2003, and \$53.54 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$44.19 each month beginning September 1, 2003, and \$53.54 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2003-2005 transportation appropriations act.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

DEPARTMENT OF RETIREMENT SYSTEMS-CONTRIBUTIONS TO RETIREMENT SYSTEMS The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) \$21,171,000

General Fund--State Appropriation (FY 2005) \$20,829,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000

General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000

General Fund--State Appropriation (FY 2005) \$500,000

TOTAL APPROPRIATION \$55,000,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

**OFFICE OF FINANCIAL MANAGEMENT-CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund--State Appropriation (FY 2004) \$674,000  
General Fund--State Appropriation (FY 2005) \$683,000  
Public Safety and Education Account--State Appropriation \$199,000  
Judicial Information Systems Account--State Appropriation \$57,000  
Department of Retirement Systems Expense Account--State Appropriation \$14,000  
TOTAL APPROPRIATION \$1,627,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to fund pension contributions to the public employees' retirement system and teachers' retirement system for judicial and legislative employees, effective July 1, 2003.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- PENSION SAVINGS.**

**OFFICE OF FINANCIAL MANAGEMENT-PENSION SAVINGS**

General Fund--State Appropriation (FY 2004) (\$10,913,000)  
General Fund--State Appropriation (FY 2005) (\$11,008,000)  
General Fund--Federal Appropriation (\$4,374,000)  
General Fund--Private/Local Appropriation (\$502,000)  
Salary and Insurance Increase Revolving Account Appropriation (\$10,877,000)  
TOTAL APPROPRIATION (\$37,674,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect savings resulting from the adoption of the new smoothing method for the public employees', teachers', and school employees' retirement systems and suspending payment on the unfunded liability in the public employees' and teachers' retirement system plans 1 as provided in Senate Bill No. 6029 (funding the public employees' retirement system, the school employees retirement system, and the school employees retirement system). If the bill is not enacted by June 30, 2003, the amounts provided in this section shall lapse.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the salary and insurance increase revolving account.

**NEW SECTION. Sec. 715. SALARY COST OF LIVING ADJUSTMENT**

**SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 2005) \$22,826,000  
General Fund--Federal Appropriation \$4,539,000  
General Fund--Private/Local Appropriation \$513,000  
Salary and Insurance Increase Revolving Account Appropriation \$15,995,000  
TOTAL APPROPRIATION \$43,873,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided sufficient for a 2.0 percent salary increase effective September 1, 2004, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 2.0 percent salary increase effective September 1, 2004, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 2.0 percent salary increase effective September 1, 2004, for ferry workers consistent with the 2003-05 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (3) of this section.



**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
 EDUCATION TECHNOLOGY REVOLVING ACCOUNT  
 OFFICE OF FINANCIAL MANAGEMENT-EDUCATION TECHNOLOGY REVOLVING ACCOUNT**  
 General Fund--State Appropriation (FY 2004) \$10,468,000  
 General Fund--State Appropriation (FY 2005) \$10,468,000  
 TOTAL APPROPRIATION \$20,936,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K- 20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 717. INCENTIVE SAVINGS--FY 2004.**  
 INCENTIVE SAVINGS-FY 2004 The sum of one hundred million dollars or so much thereof as may be available on June 30, 2004, from the total amount of unspent fiscal year 2004 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 2005.**  
 INCENTIVE SAVINGS-FY 2005 The sum of one hundred million dollars or so much thereof as may be available on June 30, 2005, from the total amount of unspent fiscal year 2005 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
 ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE  
 DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT-COUNTY PUBLIC  
 HEALTH ASSISTANCE**

Health Services Account--State Appropriation \$24,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<b>Health District</b>	<b>FY 2004</b>
Adams County Health District	\$30,951
Asotin County Health District	\$67,714
Benton-Franklin Health District	\$1,165,612
Chelan-Douglas Health District	\$184,761

Clallam County Health and Human Services Department	\$141,752
Southwest Washington Health District	\$1,084,473
Columbia County Health District	\$40,529
Cowlitz County Health Department	\$278,560
Garfield County Health District	\$15,028
Grant County Health District	\$118,595
Grays Harbor Health Department	\$183,870
Island County Health Department	\$91,892
Jefferson County Health and Human Services	\$85,782
Seattle-King County Department of Public Health	\$9,531,747
Bremerton-Kitsap County Health District	\$554,669
Kittitas County Health Department	\$92,499
Klickitat County Health Department	\$62,402
Lewis County Health Department	\$105,801
Lincoln County Health Department	\$29,705
Mason County Department of Health Services	\$95,988
Okanogan County Health District	\$63,458
Pacific County Health Department	\$77,427
Tacoma-Pierce County Health Department	\$2,820,590
San Juan County Health and Community Services	\$37,531
Skagit County Health Department	\$223,927
Snohomish Health District	\$2,258,207
Spokane County Health District	\$2,101,429
Northeast Tri-County Health District	\$110,454
Thurston County Health Department	\$600,419

Wahkiakum County Health Department	\$13,773
Walla Walla County-City Health Department	\$172,062
Whatcom County Health Department	\$855,863
Whitman County Health Department	\$78,733
Yakima Health District	\$623,797
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>

**NEW SECTION. Sec. 720. FOR SUNDRY CLAIMS.**

**SUNDRY CLAIMS** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110: Kelly C. Schwatz, claim number SCJ 03-10 \$18,250
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
  - (a) Circle S Landscape Supplies, claim number SCG 03-05 \$49,380
  - (b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175
  - (c) Paul Gibbons, claim number SCG 03-09 \$12,414
  - (d) Bud Hamilton, claim number SCG 03-10 \$15,591

**NEW SECTION. Sec. 721. FOR THE CIVIL LEGAL SERVICES ACCOUNT**

**CIVIL LEGAL SERVICES ACCOUNT**

General Fund--State Appropriation (FY 2004) \$2,326,000  
General Fund--State Appropriation (FY 2005) \$2,326,000  
Public Safety and Education Account--State Appropriation \$4,609,000  
**TOTAL APPROPRIATION \$9,261,000**

The appropriations in this section are subject to the following conditions and limitations: The entire appropriation is provided solely for deposit in the civil legal services account.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

**STATE TREASURER-STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions \$8,920,350  
General Fund Appropriation for public utility district excise tax distributions \$39,273,684  
General Fund Appropriation for prosecuting attorney distributions \$3,441,197  
General Fund Appropriation for boating safety and education distributions \$4,074,300  
General Fund Appropriation for other tax distributions \$34,750  
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$2,123,723  
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$187,068  
Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$51,192,170  
County Criminal Justice Assistance Appropriation \$52,175,755  
Municipal Criminal Justice Assistance Appropriation \$21,086,550  
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$32,624,831  
Liquor Revolving Account Appropriation for liquor profits distribution \$57,511,693

Impaired Driver Safety Account Appropriation for distribution \$3,160,837  
TOTAL APPROPRIATION \$275,806,908

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
STATE TREASURER-COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT  
Impaired Driving Safety Account Appropriation \$1,843,260

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
STATE TREASURER-MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT  
Impaired Driving Safety Account Appropriation \$1,228,840

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**  
STATE TREASURER-FEDERAL REVENUES FOR DISTRIBUTION  
General Fund Appropriation for federal grazing fees distribution \$1,293,828  
General Fund Appropriation for federal flood control funds distribution \$25,050  
Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$83,492,373  
TOTAL APPROPRIATION \$84,811,251

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**  
STATE TREASURER-TRANSFERS

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account: For transfer to the state general fund \$10,000,000  
County Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$74,000  
Municipal Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$374,000  
Asbestos Account: For transfer to the state general fund \$200,000  
Electrical License Account: For transfer to the state general fund \$7,000,000  
Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000  
Pressure Systems Safety Account: For transfer to the state general fund \$1,000,000

Health Services Account: For transfer to the water quality account \$8,182,000  
State Treasurer's Service Account: For transfer to the general fund \$10,000,000  
Public Works Assistance Account: For transfer to the drinking water assistance account \$8,387,000  
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account. The transfer from the tobacco settlement account reflects revenues to be collected under Substitute House Bill No. 2038 (tobacco escrow refund provisions) \$185,000,000  
Health Service Account: For transfer to the violence reduction and drug enforcement account \$7,789,000  
Nisqually Earthquake Account: For transfer to the disaster response account \$6,200,000  
Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000  
Public Service Revolving Account: For transfer to the state general fund \$1,000,000  
Gambling Revolving Account: For transfer to the state general fund \$1,500,000  
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000  
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000  
Water Quality Account: For transfer to the water pollution control account \$10,500,000  
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005 \$8,427,000  
Insurance Commissioner's Regulatory Account: For transfer to the state general fund \$1,000,000  
Health Services Account: For transfer to the tobacco prevention and control account \$24,216,000  
From the Emergency Reserve Fund: For transfer to the state general fund \$57,046,000  
Student Achievement Fund: For transfer to the state general fund for fiscal year 2005 \$44,900,000  
Department of Retirement Systems Expense Account: For transfer to the state general fund \$1,500,000  
Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000  
Education Construction Fund: For transfer to the state general fund for fiscal year 2005 \$68,775,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS-TRANSFERS**

General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system \$21,901

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.**

**EXPENDITURE AUTHORIZATIONS** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2001-03 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.**

**INFORMATION SYSTEMS PROJECTS** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

#### **NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.**

**VIDEO TELECOMMUNICATIONS** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

#### **NEW SECTION. Sec. 904. PROGRAM COST SHIFTS.**

**PROGRAM COST SHIFTS.** Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS.**

**EMERGENCY FUND ALLOCATIONS** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS.**

**STATUTORY APPROPRIATIONS** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 907. BOND EXPENSES.**

**BOND EXPENSES** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES.**

**VOLUNTARY SEPARATION INCENTIVES** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2004.

**NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES.**

**VOLUNTARY RETIREMENT INCENTIVES** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2005, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2003-05 biennium.

**Sec. 910.** RCW 9.46.100 and 2002 c 371 s 901 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund ~~((and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~.

**Sec. 911.** RCW 19.28.351 and 1988 c 81 s 11 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and ~~((by him))~~ paid out upon vouchers

duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, ~~((said))~~ the fund, and of all disbursements therefrom.

During the 2003-2005 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 912.** RCW 28A.305.210 and 1975 1st ex.s. c 275 s 51 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the 2003-05 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 913.** RCW 38.52.106 and 2002 c 371 s 904 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the ~~((2004-))~~ 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs~~((, and costs associated with national security preparedness activities))~~.

**Sec. 914.** RCW 43.08.190 and 1991 sp.s. c 13 s 83 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040~~((2)(b))~~ or 43.84.092~~((2)(b))~~ (4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 915.** RCW 43.10.180 and 1979 c 151 s 95 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2003-05 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 916.** RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289 s 4 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2003))~~ 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime



victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

**Sec. 917.** RCW 43.43.944 and 1999 c 117 s 2 are each amended to read as follows:

- (1) The fire service training account is hereby established in the state treasury. The fund shall consist of:
  - (a) All fees received by the Washington state patrol for fire service training;
  - (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
  - (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the 2003-2005 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

**Sec. 918.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. However, during the 2003-05 fiscal biennium, earnings of the emergency reserve fund shall not be transferred. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in

this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

**Sec. 919.** RCW 48.02.190 and 2002 c 371 s 913 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the ((2001-2003)) 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

**Sec. 920.** RCW 49.26.130 and 1989 c 154 s 9 are each amended to read as follows:

(1) The department shall administer this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.05 and 49.17 RCW, rules necessary to carry out this chapter.

(3) The department shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director of the department or the director's designee.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the asbestos account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 921.** RCW 51.44.170 and 2002 c 371 s 916 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff

dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the ~~((reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

**Sec. 922.** RCW 67.40.040 and 1995 c 386 s 13 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 923.** RCW 69.50.520 and 2002 c 371 s 920 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((2001-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the replacement of the department of corrections' offender-based tracking system))~~ funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, ~~((civil indigent legal representation, and for))~~ multijurisdictional narcotics task forces ~~((After July 1, 2003, at least seven and one-half percent of expenditures from the account shall be used for providing))~~, and grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 924.** RCW 70.79.350 and 1979 c 151 s 171 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and ~~((by him, as such custodian,))~~ the treasurer shall place ((said)) all sums in a special fund hereby created and designated as the "pressure systems safety fund". ((Said)) Funds ((by him)) shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer,

as ex officio custodian of ~~((said))~~ the fund, shall keep an accurate record of any payments into ~~((said))~~ the fund, and of all disbursements therefrom. ~~((Said))~~ The fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of ~~((his))~~ the office. The fund shall be charged with its pro rata share of the cost of administering ~~((said))~~ the fund which is to be determined by the director of financial management and by the director of the department of labor and industries.

During the 2003-2005 fiscal biennium, the legislature may transfer from the pressure systems safety fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 925.** RCW 70.94.483 and 1991 sp.s. c 13 ss 64, 65 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation. However, during the 2003-05 fiscal biennium, the legislature may transfer from the wood stove education and enforcement account to the air pollution control account such amounts as specified in the omnibus operating budget bill.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

**Sec. 926.** RCW 70.105D.070 and 2001 c 27 s 2 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii)

hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2003-05 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus operating budget bill for methamphetamine lab cleanup.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 927.** RCW 70.146.030 and 2002 c 371 s 921 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ((2001)) 2003, to June 30, ((2003)) 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 928.** RCW 70.146.080 and 1994 sp.s. c 6 s 902 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the 2003-05 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

**Sec. 929.** RCW 72.11.040 and 2001 2nd sp.s. c 7 s 919 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2001-))~~2003-2005 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 930.** RCW 76.12.170 and 1988 c 128 s 36 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 931.** RCW 80.01.080 and 2002 c 371 s 924 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the ~~((appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the fund.

**Sec. 932.** RCW 82.14.200 and 1998 c 321 s 8 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the statewide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department

of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and  
(b) Fifty percent to the distressed county public facilities construction loan account under RCW 43.160.220, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds shall be deposited into the public facilities construction loan revolving account.

(10) During the 2003-2005 fiscal biennium, the legislature may transfer from the county sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 933.** RCW 82.14.210 and 1996 c 64 s 1 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the statewide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by forty-five fifty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax

under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the statewide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the statewide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.



(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(8) During the 2003-2005 fiscal biennium, the legislature may transfer from the municipal sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 934.** RCW 86.26.007 and 1997 c 149 s 914 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter (~~or, during the 1997-99 fiscal biennium, for transfer to the disaster response account~~). During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 935.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 936.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; Linville; McDonald; Pflug; Sump and Talcott.

April 21, 2003

ESSB 5448 Prime Sponsor, Senate Committee On Higher Education: Changing tuition provisions for institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Cody; DeBolt; Dunshee; Grant; Hunter; Kenney; Kessler; McIntire; Ruderman and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Boldt; Buck; Clements; Conway; Cox; Kagi; Linville; McDonald; Miloscia; Schual-Berke and Sump.

April 22, 2003

SSB 5545 Prime Sponsor, Senate Committee On Ways & Means: Using fees to develop and maintain a web-based vital records system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.58.107 and 1997 c 223 s 1 are each amended to read as follows:

The department of health shall charge a fee of (~~thirteen~~) seventeen dollars for certified copies of records and for copies or information provided for research, statistical, or administrative purposes, and eight

dollars for a search of the files or records when no copy is made. The department shall prescribe by regulation fees to be paid for preparing sealed files and for opening sealed files.

No fee may be demanded or required for furnishing certified copies of a birth, death, fetal death, marriage, divorce, annulment, or legal separation record for use in connection with a claim for compensation or pension pending before the veterans administration.

The department shall keep a true and correct account of all fees received and turn the fees over to the state treasurer on a weekly basis.

Local registrars shall charge the same fees as the state as hereinabove provided and as prescribed by department regulation(~~(, except that local registrars shall charge thirteen dollars for the first copy of a death certificate and eight dollars for each additional copy of the same death certificate when the additional copies are ordered at the same time as the first copy)~~) except in cases where payment is made by credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication. Payment by these electronic methods may be subject to an additional fee consistent with the requirements established by RCW 36.29.190. All such fees collected, except for ~~((five))~~ seven dollars of each fee collected for the issuance of ~~((a certified copy))~~ birth certificates and first copies of death certificates and fourteen dollars of each fee collected for additional copies of the same death certificate ordered at the same time as the first copy, shall be paid to the jurisdictional health department.

All local registrars in cities and counties shall keep a true and correct account of all fees received under this section for the issuance of certified copies and shall turn ~~((five))~~ seven dollars of the fees collected for birth certificates and first copies of death certificates and fourteen dollars of the fee collected for additional copies of death certificates over to the state treasurer on or before the first day of January, April, July, and October. All but five dollars of the fees turned over to the state treasurer by local registrars shall be paid to the department of health for the purpose of developing and maintaining the state vital records systems, including a web-based electronic death registration system.

Five dollars of each fee imposed for the issuance of certified copies, except for copies suitable for display issued under RCW 70.58.085, at both the state and local levels shall be held by the state treasurer in the death investigations' account established by RCW 43.79.445."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Alexander; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Boldt; Buck and McDonald.

April 22, 2003

ESB 5676 Prime Sponsor, Senator Carlson: Changing provisions in the educational opportunity grant program. (REVISED FOR ENGROSSED: Regarding higher education financial assistance.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.101.005 and 1990 c 288 s 2 are each amended to read as follows:

The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts or associate of science degree, or ~~((its))~~ the equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts or associate of science degree, or ~~((its))~~ the equivalent, in an effort to increase their participation in and completion of upper- division programs.

**Sec. 2.** RCW 28B.101.010 and 1990 c 288 s 3 are each amended to read as follows:

The educational opportunity grant program is hereby created ~~((as a demonstration project))~~ to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education ~~((which have the capacity to accommodate such students within existing educational programs and facilities))~~ approved for participation by the higher education coordinating board.

**Sec. 3.** RCW 28B.101.020 and 1990 c 288 s 4 are each amended to read as follows:

(1) For the purposes of this chapter, "placebound" means unable to ~~((relocate to))~~ complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington as defined in RCW 28B.15.012(2) (a) through (d), who: (a) Are needy students as defined in RCW 28B.10.802(3); and ~~((who))~~ (b) have completed the associate of arts or associate of science degree or ~~((its))~~ the equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to ~~((attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW))~~ complete a baccalaureate degree at an eligible institution. An eligible placebound applicant is further defined as a person ~~((whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors,))~~ who would be unable to complete ~~((an upper division))~~ a baccalaureate course of study but for receipt of an educational opportunity grant.

**Sec. 4.** RCW 28B.101.040 and 2002 c 186 s 3 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that is accredited by an accrediting association recognized by rule of the higher education coordinating board for the program and that ~~((has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW))~~ complies with eligibility criteria established by rule of the higher education coordinating board. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study. ~~((Resident students as defined in RCW 28B.15.012(2)(f) are not eligible for grants under this chapter.))~~

**Sec. 5.** RCW 28B.119.010 and 2002 c 204 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW ~~((and))~~ students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, ~~((and))~~ students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 22, 2003

2SSB 6017 Prime Sponsor, Senate Committee On Ways & Means: Modifying general assistance provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.04.005 and 2000 c 218 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps or food stamp benefits transferred electronically and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal temporary assistance for needy families program; or

(B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department.

(C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall ~~((not))~~ have their benefits ~~((terminated absent a clear showing of))~~ discontinued unless the recipient demonstrates no material improvement in their medical or mental condition ((or)). The department may discontinue benefits when there was specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(h) No person may be considered an eligible individual for general assistance with respect to any month if during that month the person:

(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(7) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars;

(d) A motor vehicle necessary to transport a physically disabled household member. This exclusion is limited to one vehicle per physically disabled person;

(e) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for

federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars;

(f) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"--The difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "and amending RCW 74.04.005."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pflug; Sump and Talcott.

April 22, 2003

ESSB 6023 Prime Sponsor, Senate Committee On Ways & Means: Increasing certain assessments and penalties imposed by courts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Buck; McDonald; Pflug and Sump.

April 22, 2003

SB 6029 Prime Sponsor, Senator Rossi: Funding the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.45.035 and 2001 2nd sp.s. c 11 s 6 are each amended to read as follows:

(1) Beginning July 1, 2001, the following long-term economic assumptions shall be used by the state actuary for the purposes of RCW 41.45.030:

- (a) The growth in inflation assumption shall be 3.5 percent;
- (b) The growth in salaries assumption, exclusive of merit or longevity increases, shall be 4.5 percent;
- (c) The investment rate of return assumption shall be 8 percent; and
- (d) The growth in system membership assumption shall be 1.25 percent for the public employees' retirement system, the school employees' retirement system, and the law enforcement officers' and fire fighters' retirement system. The assumption shall be .90 percent for the teachers' retirement system.

(2) Beginning with actuarial studies done after July 1, ~~((2001))~~ 2003, changes to plan asset values that vary from the long-term investment rate of return assumption shall be recognized over a ~~((four-year))~~ period that varies up to eight years depending on the magnitude of the deviation of each year's investment rate of return relative to the long-term rate of return assumption. Beginning April 1, 2004, the council, by affirmative vote of four councilmembers, may adopt changes to this asset value smoothing technique. Any changes adopted by the council shall be subject to revision by the legislature.

**Sec. 2.** RCW 41.45.054 and 2002 c 7 s 1 are each amended to read as follows:

The basic employer and state contribution rates and plan 2 member contribution rates are changed to reflect the 2000 actuarial valuation, incorporating the 1995-2000 actuarial experience study conducted by the office of the state actuary. The results of the ~~((2000))~~ 2001 actuarial valuation for the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system shall be ~~((adjusted to reflect an April 1, 2002, implementation date-))~~ restated as a result of the new asset smoothing method adopted in RCW 41.45.035, and suspension of payments on the unfunded liability in the public employees' retirement system and teachers' retirement system, to collect the following contribution rates:

- (1) Beginning ~~((April 1, 2002))~~ July 1, 2003, the following employer contribution rates shall be charged:
  - (a) ~~((1.10))~~ 1.18 percent for the public employees' retirement system; and
  - (b) ~~((2.64))~~ 3.03 percent for the law enforcement officers' and fire fighters' retirement system plan 2.
- (2) Beginning ~~((April 1, 2002))~~ July 1, 2003, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2 shall be ~~((1.75))~~ 2.02 percent.
- (3) Beginning ~~((April 1, 2002))~~ September 1, 2003, the following employer contribution rates shall be charged:

- (a) ~~((0.96))~~ 0.84 percent for the school employees' retirement system; and
- (b) ~~((1.05))~~ 1.17 percent for the teachers' retirement system.

- (4) Beginning ~~((April 1, 2002))~~ July 1, 2003, the following member contribution rates shall be charged:
  - (a) ~~((0.65))~~ 1.18 percent for the public employees' retirement system plan 2; and
  - (b) ~~((4.39))~~ 5.05 percent for the law enforcement officers' and fire fighters' retirement system plan 2.
- (5) Beginning ~~((April 1, 2002))~~ September 1, 2003, the following member contribution rates shall be charged:

- (a) ~~((0.35))~~ 0.84 percent for the school employees' retirement system plan 2; and
- (b) ~~((0.15))~~ 0.87 percent for the teachers' retirement system plan 2.

(6) The contribution rates in this section shall be collected through ~~((June 30, 2003))~~ June 30, 2005, for the public employees' retirement system and the law enforcement officers' and fire fighters' retirement system, and August 31st, 2005, for the school employees' retirement system and the teachers' retirement system.

**Sec. 3.** RCW 41.45.070 and 2001 2nd sp.s. c 11 s 16 and 2001 2nd sp.s. c 11 s 15 are each reenacted and amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or ~~((41.45.053))~~ 41.45.054, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 or ~~((41.45.053))~~ 41.45.054 for the law enforcement officers' and fire fighters' retirement system plan 2, the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system plan 2. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Alexander; Cody; Conway; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; Miloscia; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Boldt; Buck; Cox; McDonald; Pflug and Sump.

April 22, 2003

SB 6052 Prime Sponsor, Senator Johnson: Changing alternative route teacher certification provisions.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.660.020 and 2001 c 158 s 3 are each amended to read as follows:

(1) Each district or consortia of school districts applying for ~~((state funds through this))~~ the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:



- (a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;
- (b) The number of candidates that will be enrolled per route;
- (c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;
- (d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;
- (e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;
- (f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and
- (g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:
  - (i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;
  - (ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;
  - (iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;
  - (iv) A description of strategies for assessing candidate performance on the benchmarks;
  - (v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and
  - (vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.
- (2) ~~((Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request for funds may not exceed the amount designated by the BA+ 0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+ 0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year))~~ To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.

**Sec. 2.** RCW 28A.660.030 and 2001 c 158 s 4 are each amended to read as follows:

- (1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include, but are not limited to:
  - (a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;
  - (b) The degree to which the proposal addresses criteria specified in RCW 28A.660.020 and is in keeping with specifications of program routes in RCW 28A.660.040;
  - (c) The cost-effectiveness of the proposed program; and
  - (d) Any demonstrated district and in-kind contributions to the program.
- (2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.
- (3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

**Sec. 3.** RCW 28A.660.050 and 2001 c 158 s 6 are each amended to read as follows:

The alternative route conditional scholarship program is created under the following guidelines:

- (1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:
- (a) To adopt necessary rules and develop guidelines to administer the program;
  - (b) To collect and manage repayments from participants who do not meet their service obligations; and
  - (c) To accept grants and donations from public and private sources for the program.
- (2) Participation in the alternative route conditional scholarship program is limited to ~~((classified staff in routes one and two))~~ interns of the partnership grant programs under RCW 28A.660.040. The Washington professional educator standards board shall select ~~((classified staff))~~ interns to receive conditional scholarships.
- (3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.
- (4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.
- (5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.
- (6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed ~~((four))~~ eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.
- (7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 16, 2003

SSB 6054 Prime Sponsor, Senate Committee On Ways & Means: Clarifying the application of the industrial welfare act to public employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the enactment of chapter 236, Laws of 1988 amended the definition of employer under the industrial welfare act, chapter 49.12 RCW, to ensure that the family care provisions of that act applied to the state and political subdivisions. The legislature further finds that this amendment of the definition of employer may be interpreted as creating an ambiguity as to whether the other provisions of chapter 49.12 RCW have applied to the state and its political subdivisions. The purpose of this act is to make retroactive, remedial, curative, and technical amendments to clarify the intent of chapter 49.12 RCW and chapter 236, Laws of 1988 and resolve any ambiguity. It is the intent of the legislature to establish that, prior to the effective date of this act, chapter 49.12 RCW and the rules adopted thereunder did not apply to the state or its agencies and political subdivisions except as expressly provided for in RCW 49.12.265 through 49.12.295, 49.12.350 through 49.12.370, 49.12.450, and 49.12.460.

**Sec. 2.** RCW 49.12.005 and 1998 c 334 s 1 are each amended to read as follows:

For the purposes of this chapter:

- (1) ~~((The term))~~ "Department" means the department of labor and industries.
- (2) ~~((The term))~~ "Director" means the director of the department of labor and industries, or the director's designated representative.
- (3) ~~((The term))~~ (a) Before the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any

business, industry, profession, or activity in this state and employs one or more employees (~~and~~) but does not include the state, any state institution, any state agency, political subdivision of the state, or any municipal corporation or quasi-municipal corporation. However, for the purposes of RCW (~~49.12.270~~) 49.12.265 through 49.12.295 (~~and~~), 49.12.350 through 49.12.370, 49.12.450, and 49.12.460 only, "employer" also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(b) On and after the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. However, this chapter and the rules adopted thereunder apply to these public employers only to the extent that this chapter and the rules adopted thereunder do not conflict with: (i) Any state statute or rule; and (ii) respect to political subdivisions of the state and any municipal or quasi-municipal corporation, any local resolution, ordinance, or rule adopted under the authority of the local legislative authority before April 1, 2003.

(4) (~~The term~~) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) (~~The term~~) "Conditions of labor" (~~shall~~) means and includes the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years.

**Sec. 3.** RCW 49.12.187 and 1973 2nd ex.s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment.

Employees of public employers may enter into collective bargaining contracts, labor/management agreements, or other mutually agreed to employment agreements that specifically vary from or supersede, in part or in total, rules adopted under this chapter regarding appropriate rest and meal periods.

**Sec. 4.** RCW 49.12.360 and 1989 1st ex.s. c 11 s 23 are each amended to read as follows:

(1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.

(2) An employer must grant the same leave upon the same terms for men as it does for women.

(3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.

(4) (~~For purposes of this section, "employer" includes all private and public employers listed in RCW 49.12.005(3).~~

(~~5~~)) For purposes of this section, "leave" means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.

(~~6~~)) (5) Nothing in this section requires an employer to:

(a) Grant leave equivalent to maternity disability leave; or

(b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

**Sec. 5.** RCW 49.12.460 and 2001 c 173 s 1 are each amended to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means (~~any person~~) an employer who had twenty or more full-time equivalent employees in the previous year.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "employers;" strike the remainder of the title and insert "amending RCW 49.12.005, 49.12.187, 49.12.360, and 49.12.460; creating a new section; and declaring an emergency."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Crouse and Holmquist.

April 21, 2003

SB 6057 Prime Sponsor, Senator Parlette: Revising basic health care plan enrollment provisions.

Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

There being no objection, the rules were suspended and the following bills were return to the Committee on Rules from the Second Reading calendar:

HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2230,  
HOUSE BILL NO. 2248,  
HOUSE CONCURRENT RESOLUTION NO. 4403,  
SUBSTITUTE SENATE BILL NO. 5063,  
SUBSTITUTE SENATE BILL NO. 5168,

SUBSTITUTE SENATE BILL NO. 5169,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192,  
SENATE BILL NO. 5307,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5345,  
SENATE BILL NO. 5463,  
SENATE BILL NO. 5587,  
SUBSTITUTE SENATE BILL NO. 5627,  
SUBSTITUTE SENATE BILL NO. 5695,  
ENGROSSED SENATE BILL NO. 5965,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,  
SENATE JOINT MEMORIAL NO. 8004,

There being no objection, the rules were suspended, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar.

HOUSE BILL NO. 1693,  
HOUSE BILL NO. 2192,  
SENATE BILL NO. 5783,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,

## RESOLUTION

HOUSE RESOLUTION NO. 2003-4659, By Representatives Conway and Chandler

WHEREAS, Monday, April 28th, is the annual Workers' Memorial Day to honor injured workers and families of those workers who have died; and

WHEREAS, There are 111 million people in 7 million workplaces in the United States and more than 2 million workers in Washington who work hard to support themselves and their families; and

WHEREAS, The nation's workers represent the backbone of the economy and have made the United States the most prosperous country in the world; and

WHEREAS, On an average day, 153 workers lose their lives in our country as a result of workplace injuries and illnesses; and

WHEREAS, In 2002, Washington had 99 work-related fatalities, an average of more than one death every week, and 183,000 work-related illnesses and injuries; and

WHEREAS, The loved ones, friends, and coworkers of workers who lost their lives in the past year, Robert Lee Allen, Gaylord Allery, Archie Dale Anderson, William Charles Anderson, Wayne Jacob Baardson, Jesus Francisco Balderas, Bernard John Bennett, Bryan W. Betts, George Clifford Blackburn, Richard Bonillas, Gordon Glenn Brantley, Robert Cecil Bridge, Leo D. Brooks, Paul Bryant, Carl Howard Butterfield, John Mark Clark, Charles Robert Clement, Mike Ernest Coffey, Jesse Scott Conger, Gene Cotto Coriano, Gary Howard Cornett, Warren David Coss, Robert Crooks, Timothy Ray Cunningham, Kenneth Thelin Derricott, Ernest Dietrich, William Lee Dunlap, Rick Warren Eaton, Roger W. Erdman, Dennis Fillman, Edward Bernard Fleming, Robert Fox, Thomas Allen Friend, William Gann, Jesus Garcia-Canizal, Alton Earl Glenn, Robert Stephen Goldstein, Carmelo Gonzales, John Haley, Michael Leroy Hamilton, Karen Hart, Richard A. Herzog, Charles Hilyard, George M. Hudson, Danny Robert Johnson, Tim Johnson, Thomas Ray Kegley, James A. Keochanpheng, Annette Elizabeth Kramer, Roy Allen Lauer, Mark Laukkanen, Steven Clark Leclair, Eli Lewis, Tracy Lewis, Gary R. Lindell, Apolinar Lopez-Penoloza, Gregory James Mackey, Tuscon Marvin McQuiston, Howard Goodrich McWhirk, James Soto Montanez, Todd Morris, Juan F. Mota, Randy Phillip Nolan, Dennis Flynn O'Leary, Leroy Omer, William Larry Ostler, Ronald Leslie Overgaard, Fidelina Palomino-Lugo, David Peach, Dale Wayne Peterman, Guy Phillip Pillow, Pavel Radchuk, Kris Redal, Ismael Reynosa-Garcia, James Walter Roemer, Johnny Rogers, Sheri Rosenbaum, Robert Dean Rowell, Terry Edward Rykhus, Faustino Sanchez-Mendez, William Benson Sargent, Donald Vernon Slaight, Leonard E. Smaldino, Randall Roger Soens, Ignacio C. Soto, Wade S. Steele, Pat Joseph Strahm, Charles Henry Thipado, Carl Tiner, Mark Tjernell, Jeffrey Lee Varnam, Devota Marie Washington, Gary Steve Waters, Randy Dean Weathermon, Alfred Westerfield, Harold

"Bud" Wieler, Vernon Wolf, Karl Eugene Woods, and Mohamed Yusuf, suffer untold pain and suffering, and families of those fallen workers, experience economic as well as emotional hardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the many millions of workers who have contributed to our country and our state, and honor those who have suffered injuries or who have died on the job; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Rick Bender of the Washington State Labor Council for distribution to affiliated and independent members, to Don Brunell of the Association of Washington Business, and to Paul Trause of the Department of Labor and Industries.

HOUSE RESOLUTION NO. 4659 was adopted.

### MESSAGE FROM THE SENATE

April 23, 2003

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1079,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853,  
SENATE BILL NO. 5011,  
ENGROSSED SENATE BILL NO. 5014,  
SENATE BILL NO. 5042,  
SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5133,  
SENATE BILL NO. 5176,  
SUBSTITUTE SENATE BILL NO. 5218,  
SUBSTITUTE SENATE BILL NO. 5221,  
SUBSTITUTE SENATE BILL NO. 5237,  
ENGROSSED SENATE BILL NO. 5245,  
SUBSTITUTE SENATE BILL NO. 5305,  
SUBSTITUTE SENATE BILL NO. 5327,  
SUBSTITUTE SENATE BILL NO. 5335,  
ENGROSSED SENATE BILL NO. 5343,  
ENGROSSED SENATE BILL NO. 5379,  
SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5434,  
SUBSTITUTE SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5473,  
SENATE BILL NO. 5477,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5575,  
SUBSTITUTE SENATE BILL NO. 5579,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,  
SUBSTITUTE SENATE BILL NO. 5592,  
SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5602,  
SECOND SUBSTITUTE SENATE BILL NO. 5694,  
SENATE BILL NO. 5705,  
SUBSTITUTE SENATE BILL NO. 5716,  
SUBSTITUTE SENATE BILL NO. 5737,  
SUBSTITUTE SENATE BILL NO. 5749,  
SUBSTITUTE SENATE BILL NO. 5751,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5811,  
SUBSTITUTE SENATE BILL NO. 5829,  
SENATE BILL NO. 5865,

SECOND SUBSTITUTE SENATE BILL NO. 5890,  
SUBSTITUTE SENATE BILL NO. 5912,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SENATE BILL NO. 5959,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,  
SUBSTITUTE SENATE BILL NO. 5995,  
SENATE JOINT MEMORIAL NO. 8000,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5179, By Senate Committee on Parks, Fish & Wildlife  
(originally sponsored by Senators Oke, Mulliken, Rasmussen and T. Sheldon)**

### **Allowing the use of body-gripping traps in certain circumstances.**

The bill was read the second time.

With the consent of the House, amendments (444) and (443) were withdrawn.

Representative Buck moved the adoption of amendment (437):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The legislature finds that a professionally managed and regulated trapping program is not only vital to the health of Washington's wildlife populations, but is also consistent with the state's obligations to manage all natural resources in trust for the common good of all citizens.

(2) The legislature further finds that it is in the interest of all of the citizens of Washington to ensure that all trapping is done in accordance with sound scientific wildlife management principles using humane methods as set forth in this act. It is the legislature's intent to implement a sound furbearer management program, administered using sound science by the department of fish and wildlife, that addresses an animal problem as defined in RCW 77.08.010.

(3) The legislature further finds that humanely regulated trapping practices used to control animal problems contribute positively to the economic well-being of the state of Washington, to public health and welfare by assisting to control the spread of animal-borne disease, and to the protection of private and public property from damage resulting from uncontrolled animal populations.

(4) The legislature further finds that the sale, trade, or barter of wild animal pelts is consistent with the legislature's intent not to waste a valuable wildlife resource.

(5) The legislature recognizes that among the choices available for the trapping of animals, some may cause pain and suffering in the animals captured. The legislature further recognizes that some trapping methods can capture animals that are not targeted, including pets. It is the policy of the state of Washington to minimize the use of indiscriminate or painful traps and to use all traps humanely. When lethal trapping methods are used, such methods must be used in the most humane way that accomplishes the goal of reducing animal problems. All trappers in the state should use all practicable means necessary to avoid the capture of a nontargeted animal.

**Sec. 2.** RCW 77.08.010 and 2002 c 281 s 2 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.



(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Body-gripping trap" means a steel trap that grips an animal's body or body part, including steel-jawed foothold trap, neck snare, or foot snare.

(56) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(57) "Animal problem" means damage, injury, or reasonable threat of damage or injury, caused by furbearing mammals, unclassified wildlife, or deleterious exotic wildlife to: Public or private property or resources; livestock or other domestic animals; or human health or safety.

(58) "Nuisance wildlife" means moles, mice, rats, mountain beavers, gophers, nutria, and other wildlife so designated by the commission by rule.

(59) "Nuisance bird problem" means damage, injury, or reasonable threat of damage or injury, caused by avian species to: Public or private property or resources; human health; or public safety.

(60) "Programmatic trapping permit" means a permit issued by the director for the following purposes: (a) For furbearer management unit purposes; (b) to prevent damage or injury, or a reasonable threat of damage or injury, to (i) public or private property or resources; (ii) livestock or other domestic animals; (iii) agricultural, timber, and horticultural resources; (iv) human health or safety; or (v) other purposes so designated by the commission by rule.

(61) "Conditional use trapping permit" means an emergency permit, limited to specific times, purposes, and areas, issued by the director to address unanticipated and immediate damage or injury to public or private property or resources or other purposes designated by the commission by rule.

(62) "Restricted use trapping permit" means a permit issued by the director to protect either sensitive or endangered species and habitat, or both, or other purposes designated by the commission by rule.

**Sec. 3.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as follows:

It is the duty of every trapper to ensure that all trapping is done humanely. To ensure that this goal is met, all trappers must abide by the following:

(1) It is unlawful to use or authorize the use of any ~~((steel-jawed leghold trap, neck snare, or other))~~ body-gripping trap to capture any mammal ~~((for recreation or commerce in fur))~~ without a permit issued by the director, except no trap with teeth or serrated edges may be permitted. The director may only issue a permit under this section for the purposes of addressing an animal problem, nuisance bird problem, capturing live raptors for falconry, for furbearer management program needs, or for conducting scientific research.

(2) It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in ~~((this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit-~~

~~(3) It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal, except as provided in subsections (4) and (5) of this section-~~

~~(4) Nothing in this section prohibits the use of a Conibear trap in water, a padded leghold trap, or a nonstrangling type foot snare with a special permit granted by [the] director under (a) through (d) of this subsection. Issuance of the special permits shall be governed by rules adopted by the department and in accordance with the requirements of this section. Every person granted a special permit to use a trap or device listed in this subsection shall check the trap or device at least every twenty-four hours-~~

~~(a) Nothing in this section prohibits the director, in consultation with the department of social and health services or the United States department of health and human services from granting a permit to use traps listed in this subsection for the purpose of protecting people from threats to their health and safety-~~

~~(b) Nothing in this section prohibits the director from granting a special permit to use traps listed in this subsection to a person who applies for such a permit in writing, and who establishes that there exists on a property an animal problem that has not been and cannot be reasonably abated by the use of nonlethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such nonlethal means cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by nonlethal control tools or if the tools cannot be reasonably applied, the director may authorize the use, setting, placing, or maintenance of the traps for a period not to exceed thirty days-~~

~~(c) Nothing in this section prohibits the director from granting a special permit to department employees or agents to use traps listed in this subsection where the use of the traps is the only practical means of protecting threatened or endangered species as designated under RCW 77.08.010-~~

~~(d) Nothing in this section prohibits the director from issuing a permit to use traps listed in this subsection, excluding Conibear traps, for the conduct of legitimate wildlife research-~~

~~(5) Nothing in this section prohibits the United States fish and wildlife service, its employees or agents, from using a trap listed in subsection (4) of this section where the fish and wildlife service determines, in consultation with the director, that the use of such traps is necessary to protect species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq-)) violation of subsection (1) of this section. To prevent wastage, nothing in this section prohibits the sale, barter, or trade of an animal carcass or pelt, or the donation of an animal carcass or pelt for scientific research or public health training lawfully taken under this title-~~

(3)(a) All trapping of wild animals using body-gripping traps must be conducted by trappers licensed by the department under RCW 77.65.450, under a permit from the director, and in accordance with the rules developed by the commission as they relate to wildlife trapping. However, nothing in this section prohibits the use of commonly used traps by public or private property owners or their agents operating on their property to control the following nuisance wildlife: Moles, mice, rats, mountain beavers, gophers, and nutria.

(b) Furbearing mammals may not be taken from the wild and held alive for sale or personal use. All trapping of furbearing mammals must be conducted in furtherance of a wildlife trapping program being implemented by the department for an animal problem, for scientific research, or for mammal population management as defined by the commission by rule.

(c) Wildlife unintentionally trapped while trapping to manage an animal problem, or while conducting scientific research, must, if possible, be released unharmed immediately upon discovery. The commission may adopt by rule or guideline procedures for the handling of any animal that is unable to be released unharmed.

(d) Lawfully trapped wild animals, if not intended for release, must be humanely dispatched, or if intended for release, must be either immediately released or immediately taken to a rehabilitation center, if necessary. The commission may adopt by rule or guideline procedures for the humane dispatch of captured animals.

(4)(a) It is unlawful for a licensed trapper to fail to complete and submit to the department a report of catch postmarked on or before April 20th of each year. The report must be submitted to the department regardless of trapping success, and indicate the number, general location, and species of all animals captured, including those animals captured that were not part of an animal problem. The report must also include details for domestic pets captured in traps, the circumstances for each specific incident, and if the domestic pet was injured or released unharmed. Trappers who fail to submit an accurate report of catch shall have their trapping privileges suspended for one year. False reports are considered failure to report. It is the responsibility of each licensed trapper to obtain and submit a report of catch on forms provided by the department.

(b) The department shall maintain and analyze all catch reports received pursuant to (a) of this subsection. Data collected on catch reports must be presented to the appropriate legislative committees by November 30th of each year.

(5) Federal wildlife management agencies and their employees and agents, while acting lawfully within the scope of their authority, are not subject to the provisions of this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

The commission shall adopt appropriate rules regarding the types of traps and bait for use in capturing wildlife to ensure the humane treatment of captured animals. In adopting these rules, the commission may take into consideration the effectiveness of various trap sizes, approved best management practices, and the habitats in which the traps may be used. These rules must address the time intervals during which specific traps must be checked and animals removed. These rules may not allow for the use of traps with teeth or serrated edges or a neck or body snare attached to a spring pole or any spring pole type device. The commission must also adopt rules for the appropriate disposal of carcasses.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall institute a furbearer management program that addresses animal problems and shall only issue programmatic trapping, conditional use, or restricted use trapping permits, as those terms are defined in RCW 77.08.010, and trapping licenses or propose rules consistent with this program.

**Sec. 6.** RCW 77.65.450 and 1991 sp.s. c 7 s 3 are each amended to read as follows:

A state trapping license in combination with a programmatic trapping permit, conditional use trapping permit, or restricted use trapping permit from the director allows the holder to trap fur-bearing animals throughout the state in accordance with the rules adopted by the commission under section 4 of this act; however, a trapper may not place traps on public or private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is thirty-six dollars for residents sixteen years of age or older, ~~((fifteen))~~ twenty dollars for residents under sixteen years of age, and ~~((one))~~ two hundred ~~((eighty))~~ dollars for nonresidents. Licensed trappers age fifteen years and younger must be under the direct supervision of a licensed adult trapper when engaged in trapping activities. The fee for a programmatic trapping permit for residents sixteen years of age or older and nonresidents, for animal problems as that term is defined in RCW 77.08.010, is twelve dollars and fifty cents. A trapping license is valid for using body-gripping traps in combination with a permit for the control of animal problems, as that term is defined in RCW 77.08.010, or for scientific research. The live capture of raptors for falconry, or scientific research, by use of a foot snare or other body-gripping trap may also be authorized by rule of the commission.

**Sec. 7.** RCW 77.65.460 and 1987 c 506 s 82 are each amended to read as follows:

All persons purchasing a state trapping license ~~((for the first time))~~ after April 1, 2003, shall ~~((present certification of completion of))~~ complete a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge. Licensed trappers who have been active in state-regulated trapping since November 2000 are exempt from this provision.

The director shall establish a program for training persons in trapping techniques and responsibilities in urban, suburban, and rural settings, including the use of trapping devices designed to painlessly capture or

instantly kill. The director shall cooperate with ~~((national and state animal, humane))~~ recognized Washington state based animal shelters, wildlife rehabilitation centers, and similar entities providing animal care and rehabilitation services, hunter education, and Washington state based trapping organizations in the development and instruction of ((a curriculum)) trapper training. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

**Sec. 8.** RCW 77.32.545 and 1998 c 190 s 121 are each amended to read as follows:

A property owner, lessee, or tenant may remove a trap placed on the owner's, lessee's, or tenant's posted or fenced property by a trapper. A property owner, lessee, or tenant who discovers a trap placed on any portion of his or her property that is not authorized by the owner, lessee, or tenant, may report the finding to the department, including whether a live animal is captured in the trap. The commission may adopt by rule or guideline procedures for the handling of live animals discovered in such traps.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When a property owner, lessee, or tenant presents a trapper identification number to the department for a trap found upon the property of the owner, lessee, or tenant and requests identification of the trapper, the department shall provide the requestor with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

**Sec. 9.** RCW 77.15.198 and 2001 c 1 s 5 are each amended to read as follows:

Any person who violates RCW 77.15.194 or 77.15.196 is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the trapping license of any person convicted of a repeat violation of RCW 77.15.194 or 77.15.196. The director shall not issue the violator a trapping license for a period of five years following the revocation. ((Following a subsequent conviction for a violation of RCW 77.15.194 or 77.15.196 by the same person, the director shall not issue a trapping license to the person at any time)) A person may not be granted a new trapping license following a revocation under this section unless that person completes the education program outlined in RCW 77.65.460 not more than one year before a new license is granted.

NEW SECTION. **Sec. 10.** RCW 77.15.192 (Definitions) and 2001 c 1 s 2 are each repealed.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Cooper moved the adoption of amendment (454) to amendment (437):

On page 1, beginning after line 2 of the striking amendment, strike the remainder of the amendment and insert the following:

**"Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 77.15.194 through 77.15.198.

(1) "Animal" means any nonhuman vertebrate.

(2) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat ~~((and))~~<sub>2</sub> mouse, gopher, and mole traps are not considered body-gripping traps.

(3) "Person" means a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental instrumentality.

(4) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(5) "Animal problem" means any animal that threatens or damages either timber or public or private property or threatens or injures livestock or any other domestic animal.

**Sec. 2.** RCW 77.15.194 and 2001 c 1 s are each amended to read as follows:

(1) It is unlawful to use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur.

(2) It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.

(3) Except as provided in subsections (5) and (6) of this section, and sections 4 and 5 of this act, it is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal~~(, except as provided in subsections (4) and (5) of this section)~~.

(4) Nothing in this section prohibits the use of a Conibear trap in water, a padded leghold trap, or a nonstrangling type foot snare with a special permit granted by ~~((the))~~the director under (a) through (d) of this subsection. Issuance of the special permits shall be governed by rules adopted by the department and in accordance with the requirements of this section. Every person granted a special permit to use a trap or device listed in this subsection shall check the trap or device at least every twenty-four hours.

(a) Nothing in this section prohibits the director, in consultation with the department of social and health services or the United States department of health and human services from granting a permit to use traps listed in this subsection for the purpose of protecting people from threats to their health and safety.

(b) Nothing in this section prohibits the director from granting a special permit to use traps listed in this subsection to a person who applies for such a permit in writing, and who establishes that there exists on a property an animal problem that has not been and cannot be reasonably abated by the use of nonlethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such nonlethal means cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by nonlethal control tools or if the tools cannot be reasonably applied, the director may authorize the use, setting, placing, or maintenance of the traps for a period not to exceed thirty days.

(c) Nothing in this section prohibits the director from granting a special permit to department employees or agents to use traps listed in this subsection where the use of the traps is the only practical means of protecting threatened or endangered species as designated under RCW 77.08.010.

(d) Nothing in this section prohibits the director from issuing a permit to use traps listed in this subsection, excluding Conibear traps, for the conduct of legitimate wildlife research.

(5) Nothing in this section prohibits the United States fish and wildlife service, its employees or agents, from using a trap listed in subsection (4) of this section where the fish and wildlife service determines, in consultation with the director, that the use of such traps is necessary to protect species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:  
Any trapping allowed under RCW 77.15.194, section 5 of this act, or section 6 of this act must be consistent with other applicable provisions of this title.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.15 RCW to read as follows:  
(1) The director may issue a special trapping permit during the livestock birthing season to a person who applies for such a permit in writing, and establishes that there exists on his or her property an individual coyote, or an identified group of coyotes, that is either causing injury, or is a threat to cause injury, to commercial livestock during the birthing season of that species of livestock.

(2) The special trapping permit authorized by this section may be issued upon a written finding by the director that a threat of injury to livestock exists, and may authorize the use, setting, placing, or maintenance of a padded leghold trap or a nonstrangling type foot snare for a period not to exceed thirty days in order to capture the identified coyote or coyotes.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.15 RCW to read as follows:  
(1) The owner or operator of commercial timber, as those terms are defined in RCW 76.09.020, may use a number 110 Conibear trap to trap mountain beaver (*Aplodontia rufa*) if nonlethal control tools, including but not limited to fencing, electrical fencing, or tree-wrapping, can not be reasonably applied.

(2) Any individual mountain beavers trapped under this section, and the approximate location of the trapping, must be reported to the department on an annual basis.

**NEW SECTION. Sec. 6.** (1) The department of fish and wildlife shall conduct a series of statewide public outreach and education efforts during the 2003 calendar year that explain the availability and function of the special permits allowed under RCW 77.15.194 and sections 4 and 5 of this act.

(2) By December 31, 2003, the department of fish and wildlife must report back to the appropriate committees of the legislature with a summary of the educational and outreach efforts undertaken pursuant to this section and a summary of the data collected on all catch reports. In order to satisfy the reporting requirement of this subsection, the department must collect from each permitted trapper in the state information relating to trapping success, including the number, general location, and species of all animals captured, and a count of those animals captured that were not covered by the permit.

(3) This section expires January 1, 2004.

NEW SECTION. Sec. 7. Nothing in this act prohibits the buying, selling, bartering, or other exchange of the raw fur of a mammal that has been trapped in this state pursuant to Title 77 RCW and the rules adopted by the fish and wildlife commission, unless the mammal was captured by a body-gripping trap, as that term is defined in RCW 77.15.192.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Cooper spoke in favor of the adoption of the amendment to the amendment.

Representative Buck spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (454) to amendment (437) to Substitute Senate Bill No. 5179.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (454) to amendment (437) to Substitute Senate Bill No. 5179, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Gombosky, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 47.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Grant, Hankins, Hatfield, Hinkle, Holmquist, Kessler, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 51.

The question before the House was adoption of amendment (437).

Representative Buck spoke in favor of adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 52 - YEAS; 46 - NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Buck and Clements spoke in favor of passage of the bill.

Representatives Cooper, Dickerson, Hudgins and Upthegrove spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5179, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Kessler, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 52.

Voting nay: Representatives Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 46.

SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1033, with the following amendment:

On page 2, line 16, after "program" strike "or" and insert "~~((or))~~,"

On page 2, line 17, after "program" strike "for which" and insert "~~((for which))~~, or is gainfully employed and"

On page 3, line 7, after "apprenticeship" strike "or" and insert "~~((or))~~,"

On page 3, line 7, after "program," insert "or is no longer gainfully employed,"

On page 3, line 12, after "program" insert "or continued employment"

On page 3, line 37, after "46.29 RCW" insert "; and

(e) The applicant, if the suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101, submits written verification of installation of an ignition interlock or other biological or technical device on the vehicle he or she intends to operate"

On page 4, after line 12, insert the following:

"(6) Any person issued an occupational driver's license whose license suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101 may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device for the duration of the period for which the occupational driver's license is valid."

On page 4, after line 12, insert the following:

"Sec. 2. RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. ~~If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment) a person is not able to pay a monetary penalty in full, the court shall enter into a payment plan with the person. "Payment plan," as used in this section, means a plan that requires a person to pay an initial payment of not less than five percent of the total owed, followed by reasonable payments in an amount established by the court. No required payment may exceed ten percent of the original amount owed; however, the person may voluntarily pay any amount at any time in addition to these payments.~~

(a) ~~If a payment required to be made under the payment plan is delinquent by thirty days, the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid ((and)), including the penalty provided in subsection (4) of this section ((has been paid)).~~

(b) ~~If a person has not entered into a payment plan with the court and has not paid the penalty in full on or before the time established for payment, the court shall notify the department of the delinquency, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid, including the penalty provided in subsection (3) of this section, or until the person has entered into a payment plan under this section and has paid the initial payment.~~

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

**Sec. 3.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

(1) Whenever any person violates his or her written promise to appear in court, ~~((or))~~ fails to appear for a scheduled court hearing, or fails to comply with the terms of a citation, the court in which the defendant failed to appear or comply shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

(2) Where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, and a person is not able to pay the monetary penalty in full, the court shall enter into a payment plan with the person. "Payment plan," as used in this section, means a plan that requires a person to pay an initial payment of not less than five percent of the total owed, followed by reasonable payments in an amount established by the court. No required payment may exceed ten percent of the original amount owed. The person may voluntarily pay any amount at any time in addition to these payments. If a person has entered into a payment plan under this subsection, the court shall not notify the department of licensing that the person has failed to



comply with the terms of a citation as it applies to payment of the monetary penalty unless a payment required to be made under the payment plan is delinquent by thirty days."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "driver's licenses; amending RCW 46.64.025; and reenacting and amending RCW 46.20.391 and 46.63.110."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1033 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 8, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1126, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 15.49 RCW to read as follows:  
Fees established under this chapter pertaining to laboratory testing and seed certification may be increased by the department by rule during the fiscal year ending June 30, 2004, in excess of the fiscal growth factor as determined under chapter 43.135 RCW.

**NEW SECTION. Sec. 2.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "adding a new section to chapter 15.49 RCW; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to HOUSE BILL NO. 1126 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1173, with the following amendment:

On page 3, after line 34, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 44.04 RCW to read as follows:  
The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate from gifts, grants, and endowments for international trade hosting and missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. Expenditures from the account may be used only for the purposes of international trade hosting and international trade mission activities, excluding travel and lodging, in which the president and members of the senate and members of the house of representatives participate in an official capacity. Only the president of the senate may authorize expenditures from the account. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives prior to final approval by the president of the senate.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 4 of this act, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 4 of this act, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

**Sec. 6.** RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in section 4 of this act;

(h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

~~((H))~~ (i) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

- (a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in RCW 42.52.010 except:
  - (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
  - (ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
  - (iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

On page 1, line 2 of the title, after "representative;" strike the remainder of the title and insert "amending RCW 43.332.005, 43.332.010, and 42.52.150; adding a new section to chapter 43.332 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1173 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1233, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "kin" means persons related by blood or marriage, including marriages that have been dissolved.

(2) The department shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department shall request that the juvenile court require parents to disclose to the department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department shall encourage the parents to disclose to the department all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

**NEW SECTION. Sec. 2.** (1) The department of social and health services shall collaborate with one or more nonprofit community-based agencies to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of two pilot projects to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home

care. The proposal must seek to establish at least one project in eastern Washington and one project in western Washington, each project to be managed by a participating community-based agency.

(2) The kinship care navigators funded through the proposal shall be responsible for at least the following:

- (a) Understanding the various state agency systems serving kinship caregivers;
- (b) Working in partnership with local community service providers;
- (c) Tracking trends, concerns, and other factors related to kinship caregivers; and
- (d) Assisting in establishing stable, respectful relationships between kinship caregivers and department staff.

(3) Implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for that purpose.

(4) For the purposes of this section, "kinship" has the same meaning as "kin" given in section 1(1) of this act.

(5) This section expires January 1, 2007.

**NEW SECTION. Sec. 3.** (1) The department of social and health services shall report to the legislature and the governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the pilot projects. The report shall: Include data that demonstrates whether the pilot project reduced actual barriers to access to services; identify statutory and administrative barriers for kin who give care; and recommend ways to reduce or eliminate the barriers without adverse consequences to children placed with kin.

(2) This section expires January 1, 2007.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood or marriage, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more program or service would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor the implementation of recommendations contained in the 2002 kinship care report;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(3) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(4) The kinship care oversight committee shall report to the legislature and the governor on the status of kinship care issues by December 1, 2004.

(5) This section expires January 1, 2005."

On page 1, line 1 of the title, after "caregivers;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1233 and asked the Senate to recede therefrom.

**SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2172, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) As a consumer of energy resources and a committed steward of public health and environmental quality, Washington state government is well-positioned to be a leader in promoting and using clean energy technologies, including fuel cells;

(b) The use of batteries and internal combustion engines in state facilities for emergency and back-up power, and to power remote equipment for communications, security lighting, cameras and sensors, signaling, environmental monitoring, and similar applications can adversely impact the environment.

(2) The legislature declares that:

(a) Fuel cells operating directly on hydrogen emit only water and heat and can be used indoors and outdoors without harming the environment or people;

(b) Fuel cells provide reliable and high digital quality direct current power that meets uninterruptible and premium power supply requirements;

(c) Commercial fuel cells can be highly efficient when used in a cogeneration application; and

(d) On a life-cycle cost basis, small fuel cells can offer a better economic value to the state than batteries and internal combustion engines.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.19 RCW to read as follows:

(1) State agencies, when planning for the construction of a state facility, must consider the utilization of fuel cells as a primary source of energy for a facility that requires a source of uninterrupted electric power.

(2) When planning the procurement of back-up power systems and remote power sources, state agencies must consider the use of fuel cells as an alternative to purchasing and utilizing batteries or internal combustion engines.

(3) The director of the department of general administration shall assist state agencies in identifying, evaluating, and developing potential fuel cell applications at their facilities. The department shall notify state agencies of these potential applications and provide technical and analytical support. The department shall recover costs for this assistance through written agreements, including reimbursement from third parties participating in the projects, for any costs and expenses incurred in providing assistance.

(4) State agencies may use financing contracts under chapter 39.94 RCW to provide all or part of the funding for the procurement and installation of fuel cells for the purposes of this section. The department of general administration shall determine the eligibility of projects for financing contracts. The repayments of the financing contracts shall be sufficient to pay, when due, the principal and interest on the contracts.

(5) For the purposes of this section, (a) "fuel cell" means an electrochemical reaction that generates electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst; and (b) "state facilities" has the same meaning as provided in RCW 43.19.450.

(6) State agencies are also authorized to consider and use other renewable or alternative energy sources to the same extent as provided for fuel cells under subsections (1) through (4) of this section."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.19 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 2172 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1081, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.22 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of one dollar shall be charged by the county auditor at the time of recording of each deed of trust, which will be in addition to any other charge authorized by law. The auditor may retain up to five percent of the funds collected to administer collection. The remaining funds shall be transmitted monthly to the state treasurer who will deposit the funds into the mortgage lending fraud prosecution account created in section 2 of this act. The department of financial institutions is responsible for the distribution of the funds in the account and shall, in consultation with the attorney general and local prosecutors, develop rules for the use of these funds to pursue criminal prosecution of fraudulent activities within the mortgage lending process.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(3) This section expires June 30, 2006.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.320 RCW to read as follows:

(1) The mortgage lending fraud prosecution account is created in the custody of the state treasurer. All receipts from the surcharge imposed in section 1 of this act, except those retained by the county auditor for administration, must be deposited into the account. Except as otherwise provided in this section, expenditures from the account may be used only for criminal prosecution of fraudulent activities related to mortgage lending fraud crimes. Only the director of the department of financial institutions or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires June 30, 2006.

**NEW SECTION. Sec. 3.** (1) Before December 31st of every year, the department of financial institutions shall provide the senate and house of representatives committees that address matters related to financial institutions with a written report outlining the activity of the mortgage lending fraud prosecution account.

(2) This section expires June 30, 2006."

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.320 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1081 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1081 as amended by the Senate.

Representatives Schual-Berke and Benson spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1081, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz,

Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1211, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.04.195 and 2001 c 294 s 11 are each amended to read as follows:

(1) A sole proprietorship engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license, as a firm, every three years with the board.

(a) The sole proprietor shall hold a license to practice under RCW 18.04.215;

(b) Each resident person in charge of an office located in this state shall hold a license to practice under RCW 18.04.215; and

(c) The licensed firm must meet competency requirements established by rule by the board.

(2) A partnership engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board, and shall meet the following requirements:

(a) At least one general partner of the partnership shall hold a license to practice under RCW 18.04.215;

(b) Each resident person in charge of an office in this state shall hold a license to practice under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal partner of the partnership and any partner having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(3) A corporation engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board and shall meet the following requirements:

(a) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all shareholders or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state and is principally employed by the corporation or actively engaged in its business. The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state;

(b) At least one shareholder of the corporation shall hold a license under RCW 18.04.215;

(c) Each resident person in charge of an office located in this state shall hold a license under RCW 18.04.215;

(d) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding;

(e) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe; and

(f) The licensed firm must meet competency requirements established by rule by the board.

(4) A limited liability company engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board, and shall meet the following requirements:

(a) At least one member of the limited liability company shall hold a license under RCW 18.04.215;

(b) Each resident manager or member in charge of an office located in this state shall hold a license under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal member or manager of the limited liability company and any member having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner, member, or shareholder for Washington. This person shall hold a license under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership, corporation, or limited liability company which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership, limited liability company, or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner, shareholder, or member engaged in this state in the practice of public accounting from any partnership, corporation, or limited liability company so licensed.

(6) Licensed firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall notify the board in writing within ~~(thirty)~~ ninety days of its falling out of compliance and propose a time period in which they will come back into compliance. The board may grant a reasonable period of time for a firm to be in compliance with the provisions of this section. Failure to bring the firm into compliance within a reasonable period of time, as determined by the board, may result in suspension, revocation, or imposition of conditions on the firm's license.

(7) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner, shareholder, or member shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner, shareholder, or member is filed with the board.

(8) Nonlicensee owners of licensed firms are:

(a) Required to fully comply with the provisions of this chapter and board rules;

(b) Required to be a natural person;

(c) Required to be an active individual participant in the licensed firm or affiliated entities as these terms are defined by board rule; and

(d) Subject to discipline by the board for violation of this chapter.

(9) Resident nonlicensee owners of licensed firms are required to meet:

(a) The ethics examination, registration, and fee requirements as established by the board rules; and

(b) The ethics CPE requirements established by the board rules.

(10)(a) Licensed firms must notify the board within thirty days after:

(i) Sanction, suspension, revocation, or modification of their professional license or practice rights by the securities exchange commission, internal revenue service, or another state board of accountancy;

(ii) Sanction or order against the licensee or nonlicensee firm owner by any federal or other state agency related to the licensee's practice of public accounting or violation of ethical or technical standards established by board rule; or

(iii) The licensed firm is notified that it has been charged with a violation of law that could result in the suspension or revocation of the firm's license by a federal or other state agency, as identified by board rule, related to the firm's professional license, practice rights, or violation of ethical or technical standards established by board rule.

(b) The board must adopt rules to implement this subsection and may also adopt rules specifying requirements for licensees to report to the board sanctions or orders relating to the licensee's practice of public accounting or violation of ethical or technical standards entered against the licensee by a nongovernmental professionally related standard-setting entity.

**Sec. 2.** RCW 18.04.215 and 2001 c 294 s 13 are each amended to read as follows:

(1) Three-year licenses shall be issued by the board:

(a) To persons meeting the requirements of RCW 18.04.105(1), 18.04.180, or 18.04.183.

(b) To certificate holders meeting the requirements of RCW 18.04.105(4).

(c) To firms under RCW 18.04.195, meeting the requirements of RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal and reinstatement.

Applicants for renewal or reinstatement shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.



(3) An inactive certificate is renewed every three years with renewal subject to the requirements of ethics CPE and the payment of fees, prescribed by the board. Failure to renew the inactive certificate shall cause the inactive certificate to lapse and be subject to reinstatement. The board shall adopt rules providing for fees and procedures for renewal and reinstatement of inactive certificates.

(4) A license is issued every three years with renewal subject to requirements of CPE and payment of fees, prescribed by the board. Failure to renew the license shall cause the license to lapse and become subject to reinstatement. Persons holding a lapsed license are prohibited from using the title "CPA" or "certified public accountant." Persons holding a lapsed license are prohibited from practicing public accountancy. The board shall adopt rules providing for fees and procedures for issuance, renewal, and reinstatement of licenses.

(5) The board shall adopt rules providing for CPE for licensees and certificate holders. The rules shall:

(a) Provide that a licensee shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of CPE during the last three-year period to maintain the license;

(b) Establish CPE requirements; and

(c) Establish when new licensees shall verify that they have completed the required CPE.

(6) A certified public accountant who holds a license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(7) A licensee shall submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE recognized and approved by the board during the preceding three years. Failure to furnish this evidence as required shall make the license lapse and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement or reasonable cause.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of CPE upon condition that the applicant follow a particular program of CPE. In issuing rules and individual orders with respect to CPE requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of CPE to licensees and certificate holders and instances of individual hardship.

(8) Fees for renewal or reinstatement of certificates and licenses in this state shall be determined by the board under this chapter. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for licenses or certificates issued between normal renewal dates.

(9)(a) Licensees, certificate holders, and nonlicensee owners must notify the board within thirty days after:

(i) Sanction, suspension, revocation, or modification of their professional license or practice rights by the securities exchange commission, internal revenue service, or another state board of accountancy;

(ii) Sanction or order against the licensee, certificate holder, or nonlicensee owner by any federal or other state agency related to the licensee's practice of public accounting or the licensee's, certificate holder's, or nonlicensee owner's violation of ethical or technical standards established by board rule; or

(iii) The licensee, certificate holder, or nonlicensee owner is notified that he or she has been charged with a violation of law that could result in the suspension or revocation of a license or certificate by a federal or other state agency, as identified by board rule, related to the licensee's, certificate holder's, or nonlicensee owner's professional license, practice rights, or violation of ethical or technical standards established by board rule.

(b) The board must adopt rules to implement this subsection and may also adopt rules specifying requirements for licensees, certificate holders, and nonlicensee owners to report to the board sanctions or orders relating to the licensee's practice of public accounting or the licensee's, certificate holder's, or nonlicensee owner's violation of ethical or technical standards entered against the licensee, certificate holder, or nonlicensee owner by a nongovernmental professionally related standard-setting entity.

**Sec. 3.** RCW 18.04.295 and 2001 c 294 s 14 are each amended to read as follows:

The board shall have the power to: Revoke, suspend, refuse to renew, or reinstate a license or certificate; impose a fine in an amount not to exceed ~~((ten))~~ thirty thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, a certificate holder, a licensee, a licensed firm, or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of a certificate or a license; or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes:

(1) Fraud or deceit in obtaining a license, or in any filings with the board;

(2) Dishonesty, fraud, or negligence while representing oneself as a nonlicensee owner holding an ownership interest in a licensed firm, a licensee, or a certificate holder;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of CPE in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of a certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding;

(10) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; and

(11) Failure to comply with an order of the board.

**Sec. 4.** RCW 18.04.390 and 2001 c 294 s 21 are each amended to read as follows:

(1) In the absence of an express agreement between the licensee or licensed firm and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee or licensed firm incident to or in the course of professional service to clients, except reports submitted by a licensee or licensed firm, are the property of the licensee or licensed firm.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers or electronic documents, to the extent that such working papers or electronic documents include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) ~~((Nothing in this section shall require a licensee to keep any work paper or electronic document beyond the period prescribed in any other applicable statute.))~~ (a) For a period of seven years after the end of the fiscal period in which a licensed firm concludes an audit or review of a client's financial statements, the licensed firm must retain records relevant to the audit or review, as determined by board rule.

(b) The board must adopt rules to implement this subsection, including rules relating to working papers and document retention.

(5) Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RCW 18.04.405.

**Sec. 5.** RCW 18.04.370 and 2001 c 294 s 19 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than ~~((ten))~~ thirty thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW 18.04.345, having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a felony, and upon conviction thereof, is subject to a fine of not more than

~~((ten))~~ thirty thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(2) With the exception of first time violations of RCW 18.04.345, subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW 18.04.345 who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

**NEW SECTION. Sec. 6.** (1) By December 1, 2003, the board of accountancy shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the issue of auditor independence.

(2) This section expires January 1, 2004."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 18.04.195, 18.04.215, 18.04.295, 18.04.390, and 18.04.370; creating a new section; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1211 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1211 as amended by the Senate.

Representative Conway spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1211, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1211, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1219, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.320.110 and 2002 c 371 s 912 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in section 2 of this act, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

~~((Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the digital government revolving account. During the 2001-2003 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.))~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.320 RCW to read as follows:

(1) The securities prosecution fund is created in the custody of the state treasurer and shall consist of all fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6). No appropriation is required to permit expenditures from this fund, but the account is subject to allotment procedures under chapter 43.88 RCW.

(2) Expenditures from this fund may be used solely for administering the fund and for payment of costs, expenses, and charges incurred in the preparation, initiation, and prosecution of criminal charges for violations of chapters 21.20, 21.30, 19.100, and 19.110 RCW. Only the director or the director's designee may authorize expenditures from the fund.

(3) Applications for fund expenditures must be submitted by the attorney general or the proper prosecuting attorney to the director. The application must clearly identify the alleged criminal violations identified in subsection (2) of this section and indicate the purpose for which the funds will be used. The application must also certify that any funds received will be expended only for the purpose requested. Funding requests must be approved by the director prior to any expenditure being incurred by the requesting attorney general or prosecuting attorney. At the conclusion of the prosecution, the attorney general or prosecuting attorney shall provide the director with an accounting of fund expenditures, a summary of the case, and certify his or her compliance with any rules adopted by the director relating to the administration of the fund.

(4) If the balance of the securities prosecution fund reaches three hundred fifty thousand dollars, all fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6) shall be deposited in the financial services regulation fund until such time as the balance in the fund falls below three hundred fifty thousand dollars, at which time the fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6) shall be deposited to the securities prosecution fund until balance in the fund once again reaches three hundred fifty thousand dollars.

**Sec. 3.** RCW 21.20.400 and 1979 ex.s. c 68 s 28 are each amended to read as follows:

(1) Any person who willfully violates any provision of this chapter except RCW 21.20.350, or who willfully violates any rule or order under this chapter, or who willfully violates RCW 21.20.350 knowing the statement made to be false or misleading in any material respect, ~~((shall upon conviction be fined not more than five thousand dollars or imprisoned not more than ten years, or both; but no))~~ is guilty of a class B felony punishable under RCW 9A.20.021(1)(b). However, a person may not be imprisoned for the violation of any rule or order if that person proves that he or she had no knowledge of the rule or order.

(2) Any person who knowingly alters, destroys, shreds, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding under this chapter, is guilty of a class B felony punishable under RCW 9A.20.021(1)(b) or punishable by a fine of not more than five hundred thousand dollars, or both. The fines paid under this subsection shall be deposited into the securities prosecution fund.

(3) No indictment or information may be returned under this chapter more than (a) five years after the ~~((alleged))~~ violation, or (b) three years after the actual discovery of the violation, whichever date of limitation is later.

**Sec. 4.** RCW 21.20.110 and 2002 c 65 s 4 are each amended to read as follows:

(1) The director may by order deny, suspend, revoke, restrict, condition, or limit any application or registration of any broker-dealer, salesperson, investment adviser representative, or investment adviser; or censure or fine the registrant or an officer, director, partner, or person ~~((occupying))~~ performing similar functions for a registrant; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, director, or person ~~((occupying))~~ performing similar functions:

(a) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(b) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder;

(c) Has been convicted, within the past ten years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities, commodities, business investments, franchises, business opportunities, insurance, banking, or finance business, or any felony involving moral turpitude;

(d) Is permanently or temporarily enjoined or restrained by any court of competent jurisdiction in an action brought by the director, a state, or a federal government agency from engaging in or continuing any conduct or practice involving any aspect of the securities, commodities, business investments, franchises, business opportunities, insurance, banking, or finance business;

(e) Is the subject of an order entered after notice and opportunity for hearing:

(i) By the securities administrator of a state or by the Securities and Exchange Commission denying, revoking, barring, or suspending registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative;

(ii) By the securities administrator of a state or by the Securities and Exchange Commission ~~((sanctioning))~~ against a broker-dealer ~~((or an))~~, salesperson, investment adviser, or an investment adviser representative;

(iii) By the Securities and Exchange Commission or self-regulatory organization suspending or expelling the registrant from membership in a self-regulatory organization; or

(iv) By a court adjudicating a United States Postal Service fraud;

The director may not commence a revocation or suspension proceeding more than one year after the date of the order relied on. The director may not enter an order on the basis of an order under another state securities act unless that order was based on facts that would constitute a ground for an order under this section;

(f) Is the subject of an order, adjudication, or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodities Futures Trading Commission, the Federal Trade Commission, or a securities or insurance regulator of any state that the person has ~~((willfully))~~ violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodities Exchange Act, the securities, insurance, or commodities law of any state, or a federal or state law under which a business involving investments, franchises, business opportunities, insurance, banking, or finance is regulated;

(g) Has engaged in dishonest or unethical practices in the securities or commodities business;

(h) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against an applicant or registrant under this subsection (1)(h) without a finding of insolvency as to the applicant or registrant;

(i) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business, except as otherwise provided in subsection (2) of this section;

(j) Has failed to supervise reasonably a salesperson or an investment adviser representative, or employee, if the salesperson, investment adviser representative, or employee was subject to the person's supervision and committed a violation of this chapter or a rule adopted or order issued under this chapter. For the purposes of this subsection, no person fails to supervise reasonably another person, if:

(i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and

(ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter;

(k) Has failed to pay the proper filing fee within thirty days after being notified by the director of a deficiency, but the director shall vacate an order under this subsection (1)(k) when the deficiency is corrected;

(l) Within the past ten years has been found, after notice and opportunity for a hearing to have:

(i) ~~((Willfully))~~ Violated the law of a foreign jurisdiction governing or regulating the business of securities, commodities, insurance, or banking;

(ii) Been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, or investment adviser representative; or

(iii) Been suspended or expelled from membership by a securities exchange or securities association operating under the authority of the securities regulator of a foreign jurisdiction;

(m) Is the subject of a cease and desist order issued by the Securities and Exchange Commission or issued under the securities or commodities laws of a state; or

(n) Refuses to allow or otherwise impedes the director from conducting an audit, examination, or inspection, or refuses access to any branch office or business location to conduct an audit, examination, or inspection.

(2) The director, by rule or order, may require that an examination, including an examination developed or approved by an organization of securities administrators, be taken by any class of or all applicants. The director, by rule or order, may waive the examination as to a person or class of persons if the administrator determines that the examination is not necessary or appropriate in the public interest or for the protection of investors.

(3) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors.

(4) The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed ~~((five))~~ ten thousand dollars for each act or omission that constitutes the basis for issuing the order. If a petition for judicial review has not been timely filed under RCW 34.05.542(2), a certified copy of the director's order requiring payment of the fine may be filed in the office of the clerk of the superior court in any county of this state. The clerk shall treat the order of the director in the same manner as a judgment of the superior court. The director's order so filed has the same effect as a judgment of the superior court and may be recorded, enforced, or satisfied in like manner.

(5) Withdrawal from registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative becomes effective thirty days after receipt of an application to withdraw or within such shorter period as the administrator determines, unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, withdrawal becomes effective upon such conditions as the director, by order, determines. If no proceeding is pending or commenced and withdrawal automatically becomes effective, the administrator may nevertheless commence a revocation or suspension proceeding under subsection (1)(b) of this section within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

(6) A person who, directly or indirectly, controls a person not in compliance with any part of this section may also be sanctioned to the same extent as the noncomplying person, unless the controlling person acted in good faith and did not directly or indirectly induce the conduct constituting the violation or cause of action.

(7) In any action under subsection (1) of this section, the director may charge the costs, fees, and other expenses incurred by the director in the conduct of any administrative investigation, hearing, or court proceeding against any person found to be in violation of any provision of this section or any rule or order adopted under this section.

(8) In any action under subsection (1) of this section, the director may enter an order requiring an accounting, restitution, and disgorgement, including interest at the legal rate under RCW 4.56.110(3). The director may by rule or order provide for payments to investors, rates of interest, periods of accrual, and other matters the director deems appropriate to implement this subsection.

(9) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 5.** RCW 21.20.390 and 1995 c 46 s 7 are each amended to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, the director may in his or her discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice and to take appropriate affirmative action within a reasonable period of time, as prescribed by the director, to correct conditions resulting from the act or practice including, without limitation, a requirement to provide restitution(~~(= PROVIDED, That)~~). Reasonable notice of and opportunity for a hearing shall be given(~~(= PROVIDED, FURTHER, That)~~). The director may issue a (~~temporary~~) summary order pending the hearing which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within (~~fifteen~~) twenty days after the receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order (~~hereunder~~) adopted under this chapter. The court may grant such ancillary relief, including a civil penalty, restitution, and disgorgement, as it deems appropriate. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond. If the director prevails, the director shall be entitled to a reasonable attorney's fee to be fixed by the court.

(3) Whenever it appears to the director that any person who has received a permit to issue, sell, or otherwise dispose of securities under this chapter, whether current or otherwise, has become insolvent, the director may petition a court of competent jurisdiction to appoint a receiver or conservator for the defendant or the defendant's assets. The director may not be required to post a bond.

(4) The director may bring an action for restitution or damages on behalf of the persons injured by a violation of this chapter, if the court finds that private civil action would be so burdensome or expensive as to be impractical.

(5) In any action under this section, the director may charge the costs, fees, and other expenses incurred by the director in the conduct of any administrative investigation, hearing, or court proceeding against any person found to be in violation of any provision of this section or any rule or order adopted under this section.

(6) In any action under subsection (1) of this section, the director may enter an order requiring an accounting, restitution, and disgorgement, including interest at the legal rate under RCW 4.56.110(3). The director may by rule or order provide for payments to investors, interest rates, periods of accrual, and other matters the director deems appropriate to implement this subsection.

**Sec. 6.** RCW 21.20.395 and 1998 c 15 s 18 are each amended to read as follows:

(1) A person who, in an administrative action by the director, is found to have knowingly or recklessly violated any provision of this chapter, or any rule or order under this chapter, may be fined, after notice and opportunity for hearing, in an amount not to exceed (~~five~~) ten thousand dollars for each violation.

(2) A person who, in an administrative action by the director, is found to have knowingly or recklessly violated an administrative order issued under RCW 21.20.110 or 21.20.390 shall pay an administrative fine in an amount not to exceed twenty-five thousand dollars for each violation.

(3) The fines paid under subsections (1) and (2) of this section shall be deposited into the securities prosecution fund.

(4) If a petition for judicial review has not been timely filed under RCW 34.05.542(2), a certified copy of the director's order requiring payment of the fine may be filed in the office of the clerk of the superior court in any county of this state. The clerk shall treat the order of the director in the same manner as a judgment of the superior court. The director's order so filed has the same effect as a judgment of the superior court and may be recorded, enforced, or satisfied in like manner.

**Sec. 7.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read as follows:

(1) Felony. Unless a different maximum sentence for a classified felony is specifically established by statute, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following:

(a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;

(b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;

(c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(4) This section applies to only those crimes committed on or after July 1, 1984."

On page 1, line 2 of the title, after "securities;" strike the remainder of the title and insert "amending RCW 43.320.110, 21.20.400, 21.20.110, 21.20.390, 21.20.395, and 9A.20.021; adding a new section to chapter 43.320 RCW; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1219 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1219 as amended by the Senate.

Representatives Schual-Berke and Benson spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1219, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1219, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1240, with the following amendment:

On page 9, line 26, after "percent" insert ". This subsection (1)(e) expires July 1, 2009"

On page 1, line 5 of the title, strike "an expiration date" and insert "expiration dates"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1240 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**



The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1240 as amended by the Senate.

Representative Sullivan spoke in favor of the passage of the bill.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1240, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Delvin - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1240, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1444, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.30.110 and 2001 c 216 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee.

However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the

governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

**Sec. 2.** RCW 41.05.026 and 1991 c 79 s 1 are each amended to read as follows:

(1) When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

(2) When soliciting information for the development, acquisition, or implementation of state purchased health care services, the administrator shall, upon written request by the respondent, exempt from public inspection and copying such proprietary data, trade secrets, or other information submitted by the respondent that relate to the respondent's unique methods of conducting business, data unique to the product or services of the respondent, or to determining prices or rates to be charged for services.

(3) Actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted upon request of the administrator ~~((or))~~, board, or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter by a contracting insurer, health care service contractor, health maintenance organization, ~~((or))~~ vendor, or other health services organization may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

~~((3))~~ (4) The board, or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter, may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with subsections (1) ~~((or (2)))~~ through (3) of this section.

(5) A person who challenges a request for or designation of information as exempt under this section is entitled to seek judicial review pursuant to chapter 42.17 RCW.

**Sec. 3.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of

any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or predeation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be

withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as

defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

On page 1, line 2 of the title, after "purchasing;" strike the remainder of the title and insert "amending RCW 42.30.110 and 41.05.026; and reenacting and amending RCW 42.17.310."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1444 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1444 as amended by the Senate.

Representatives Haigh and Armstrong spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1444, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1444, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 8, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1455, with the following amendment:

On page 30, line 24, after "POWERS." strike all material through "act." on line 27.

On page 30, line 28, after "this chapter" insert "that are clearly required"

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1455 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1455 as amended by the Senate.

Representatives Santos and Benson spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1455, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1455, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1470, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.225.170 and 1969 ex.s. c 223 s 28A.58.210 are each amended to read as follows:

(1) Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park, or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: PROVIDED, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

(2) Any child who is of school age and otherwise eligible, residing in a home that is located in Idaho but that has a Washington address for the purposes of the United States postal service, shall be admitted, without payment of tuition, to the nearest Washington school district and shall be considered a resident student for state apportionment and all other purposes."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "and amending RCW 28A.225.170."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1470 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1470 as amended by the Senate.

Representative Cox spoke in favor of the passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1470, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1470, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 8, 2003



Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, with the following amendment:

Beginning on page 1, line 10, strike all of subsection (2) and insert the following:  
"(2) Cities, towns, and counties are prohibited from requiring existing mobile home parks to pay a sewer service availability charge, standby charge, consumption charge, or any other similar types of charges associated with available but unused sewer service, including any interest or penalties for nonpayment or enforcement charges, until the mobile home park connects to the sewer service. When a mobile home park connects to a sewer, cities, towns and counties may only charge mobile home parks prospectively from the date of connection for their sewer service. This act is remedial in nature and applies retroactively to 1993."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1524 as amended by the Senate.

Representative Schindler spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1524, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1725, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.32.430 and 1998 c 191 s 5 are each amended to read as follows:  
(1) Catch record cards necessary for proper management of the state's food fish and game fish species and shellfish resources shall be administered under rules adopted by the commission and issued at no charge for

the initial catch record card and ten dollars for each subsequent catch record card. A duplicate catch record costs ten dollars.

(2) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge as provided in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for two consecutive days.

(3) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(4) The funds received from the sale of catch record cards must be deposited into the wildlife fund.

**Sec. 2.** RCW 77.32.256 and 2002 c 222 s 1 are each amended to read as follows:

The director shall by rule establish the conditions and fees for issuance of duplicate licenses, rebates, permits, tags, and stamps required by this chapter. The fee for duplicate licenses, rebates, permits, tags, and stamps, except catch record cards, may not exceed the actual cost to the department for issuing the duplicate.

**NEW SECTION. Sec. 3.** This act takes effect April 1, 2004."

On page 1, line 1 of the title, after "cards;" strike the remainder of the title and insert "amending RCW 77.32.430 and 77.32.256; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1725 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1725 as amended by the Senate.

Representative Cooper spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1725, as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Benson, Crouse, Ericksen, Kristiansen, Mastin, and Schindler - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 1725, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2003

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1784, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature affirms its support for: Improving field-level cross-program collaboration and efficiency; collecting reliable mental health cost, service, and outcome data specific to children; revising the early periodic screening diagnosis and treatment plan to reflect the current mental health system structure; and identifying and promulgating the approaches used in school districts where mental health and education systems coordinate services and resources to provide public mental health care for children.

**NEW SECTION. Sec. 2.** A new section is added to chapter 71.36 RCW to read as follows:

(1) The legislature supports recommendations made in the August 2002 study of the public mental health system for children conducted by the joint legislative audit and review committee.

(2) The department shall, within available funds:

(a) Identify internal business operation issues that limit the agency's ability to meet legislative intent to coordinate existing categorical children's mental health programs and funding;

(b) Collect reliable mental health cost, service, and outcome data specific to children. This information must be used to identify best practices and methods of improving fiscal management;

(c) Revise the early periodic screening diagnosis and treatment plan to reflect the mental health system structure in place on the effective date of this section and thereafter revise the plan as necessary to conform to subsequent changes in the structure.

(3) The department and the office of the superintendent of public instruction shall jointly identify school districts where mental health and education systems coordinate services and resources to provide public mental health care for children. The department and the office of the superintendent of public instruction shall work together to share information about these approaches with other school districts, regional support networks, and state agencies.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.36 RCW to read as follows:

(1) In addition to any follow-up requirements recommended by the joint legislative audit and review committee, the department of social and health services shall submit a report to the governor and the legislature on the status of the implementation of the recommendations provided in section 2(2) (a) through (c) of this act and, in coordination with the office of the superintendent of public instruction, on section 2(3) of this act. An initial implementation status report must be submitted to the governor and appropriate policy and fiscal committees of the legislature by June 1, 2004. A final report shall be provided no later than June 1, 2006.

(2) This section expires June 30, 2006.

**Sec. 4.** RCW 71.36.020 and 1991 c 326 s 13 are each amended to read as follows:

~~((1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:~~

~~(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW; mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.~~

~~(b) For each program or service inventoried pursuant to (a) of this subsection:~~

~~(i) Statutory authority;~~

~~(ii) Level and source of funding statewide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;~~

~~(iii) Agency administering the service statewide and description of how administration and service delivery are organized and provided at the regional and local level;~~

~~(iv) Programmatic or financial eligibility criteria;~~

~~(v) Characteristics of, and number of children served statewide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;~~

~~(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and~~

~~(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.~~

~~(2)) The department, in consultation with the office of financial management, ((in consultation with the department,)) shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:~~

~~((a)) (1) Criteria for screening and assessment of mental illness and emotional disturbance;~~

~~((b)) (2) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;~~

~~((c)) (3) Qualifications for children's mental health providers;~~

~~((d)) (4) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and~~

~~((e)) (5) Mechanisms to ensure that federal medicaid matching funds are obtained for services ((inventoried pursuant to subsection (1) of this section)), to the greatest extent practicable.~~

In developing the plan, the ~~((office of financial management))~~ department shall provide an opportunity for comment by the major child- serving systems and regional support networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, ~~((1991))~~ 2003."

On page 1, line 2 of the title, after "health;" strike the remainder of the title and insert "amending RCW 71.36.020; adding new sections to chapter 71.36 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1784 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1784 as amended by the Senate.

Representative Boldt spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1784, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1784, as amended by the Senate, having received the constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5039, and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, SUBSTITUTE SENATE BILL NO. 5039 was returned to Second Reading for purpose of amendments.

## SECOND READING

### **SUBSTITUTE SENATE BILL NO. 5039, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Thibaudeau and Kohl-Welles)**

#### **Concerning hepatitis C.**

Representative Schual-Berke moved the adoption of the following amendment (494):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The secretary of health shall design a state plan for education efforts concerning hepatitis C and the prevention and management of the disease by January 1, 2004. In developing the plan, the secretary shall consult with:

- (a) The public;
- (b) Patient groups and organizations;
- (c) Relevant state agencies that have functions that involve hepatitis C or provide services to persons with hepatitis C;
- (d) Local health departments;
- (e) Public health and clinical laboratories;
- (f) Providers and suppliers of services to persons with hepatitis C;
- (g) Research scientists;
- (h) The University of Washington; and
- (i) Relevant health care associations.

(2) The plan shall include implementation recommendations in the following areas:

(a) Hepatitis C virus prevention and treatment strategies for groups at risk for hepatitis C with an emphasis towards those groups that are disproportionately affected by hepatitis C, including persons infected with HIV, veterans, racial or ethnic minorities that suffer a higher incidence of hepatitis C, and persons who engage in high-risk behavior, such as intravenous drug use;

(b) Educational programs to promote public awareness about hepatitis C and knowledge about risk factors, the value of early detection, screening, services, and available treatment options for hepatitis C, which may be incorporated in public awareness programs concerning bloodborne infections;

(c) Education curricula for appropriate health and health-related providers covered by the uniform disciplinary act, chapter 18.130 RCW;

(d) Training courses for persons providing hepatitis C counseling, public health clinic staff, and any other appropriate provider, which shall focus on disease prevention, early detection, and intervention;

(e) Capacity for voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under chapter 70.24 RCW;

(f) A comprehensive model for an evidence-based process for the prevention and management of hepatitis C that is applicable to other diseases; and

(g) Sources and availability of funding to implement the plan.

(3) The secretary of health shall develop the state plan described in subsections (1) and (2) of this section only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants. Funding for this act shall not come from state sources.

(4) The board of health may adopt rules necessary to implement subsection (2)(b) of this section.

(5) The secretary of health shall submit the completed state plan to the legislature by January 1, 2004. After the initial state plan is submitted, the department shall update the state plan biennially and shall submit the plan to the governor and make it available to other interested parties. The update and progress reports are due December 1, 2004, and every two years thereafter.

(6) The state plan recommendations described in subsection (2)(b) of this section shall be implemented by the secretary of health only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants.

(7) This section expires June 30, 2007.

**Sec. 2.** RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

**Sec. 3.** RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV or hepatitis C infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a disabled person.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV or actual hepatitis C infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter((?)):

(a) "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient; and

(b) "Hepatitis C" means the hepatitis C virus of any genotype.

NEW SECTION. **Sec. 4.** A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment.

NEW SECTION. **Sec. 5.** Section 1 of this act does not create a private right of action."

Correct the title.

Representatives Schual-Berke spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Schual-Berke and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5039, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5039, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5039, as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402 was returned to Second Reading for purpose of amendments.

**SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, By Senate Committee on Commerce & Trade (originally sponsored by Senators Shin, Swecker, T. Sheldon, Reardon, Fairley, West, Benton, Kohl-Welles, Rasmussen and Winsley)**

#### **Encouraging legislator trade mission participation.**

Representative Veloria moved the adoption of the following amendment (490):

On page 2, line 8, after "(4)" insert "Members of the house of representatives and the senate;"

Re-number the remaining subsections consecutively

On page 2, line 23, after "(14)" strike all material through "representatives;" on line 26

Re-number the remaining subsections consecutively

Representatives Veloria and Skinner spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution as amended by the House, was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of Substitute Senate Concurrent Resolution No. 8402, as amended by the House.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, as amended by the House was adopted.

### **MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5410 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House receded from its position and advanced to final passage SENATE BILL NO. 5410 without the House amendment.

### **FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT**

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5410, without the House amendment.

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5410, without the House amendment, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 5410, without the House amendment, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1036,  
SUBSTITUTE HOUSE BILL NO. 1058,  
SUBSTITUTE HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1074,



SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1084,  
HOUSE BILL NO. 1088,  
SECOND SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1106,  
SUBSTITUTE HOUSE BILL NO. 1113,  
SUBSTITUTE HOUSE BILL NO. 1127,  
SUBSTITUTE HOUSE BILL NO. 1128,  
SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1144,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1207,  
HOUSE BILL NO. 1246,  
SUBSTITUTE HOUSE BILL NO. 1250,  
SUBSTITUTE HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1352,  
HOUSE BILL NO. 1379,  
HOUSE BILL NO. 1391,  
ENGROSSED HOUSE BILL NO. 1403,  
SUBSTITUTE HOUSE BILL NO. 1409,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,  
HOUSE BILL NO. 1420,  
HOUSE BILL NO. 1430,  
SUBSTITUTE HOUSE BILL NO. 1512,  
HOUSE BILL NO. 1519,  
ENGROSSED HOUSE BILL NO. 1561,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1605,  
SUBSTITUTE HOUSE BILL NO. 1609,  
SUBSTITUTE HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1635,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,  
SECOND SUBSTITUTE HOUSE BILL NO. 1698,  
ENGROSSED HOUSE BILL NO. 1726,  
HOUSE BILL NO. 1753,  
SUBSTITUTE HOUSE BILL NO. 1805,  
SUBSTITUTE HOUSE BILL NO. 1813,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1854,  
SUBSTITUTE HOUSE BILL NO. 1855,  
HOUSE BILL NO. 1878,  
HOUSE BILL NO. 1882,  
SECOND SUBSTITUTE HOUSE BILL NO. 1887,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,  
HOUSE BILL NO. 1905,  
SUBSTITUTE HOUSE BILL NO. 1909,  
HOUSE BILL NO. 1937,  
SECOND SUBSTITUTE HOUSE BILL NO. 1973,  
HOUSE BILL NO. 1993,  
SUBSTITUTE HOUSE BILL NO. 2007,

SECOND SUBSTITUTE HOUSE BILL NO. 2012,  
SUBSTITUTE HOUSE BILL NO. 2027,  
HOUSE BILL NO. 2063,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,  
SUBSTITUTE HOUSE BILL NO. 2111,  
SUBSTITUTE HOUSE BILL NO. 2202,  
HOUSE JOINT MEMORIAL NO. 4014,

**MESSAGE FROM THE SENATE**

April 23, 2004

Mr. Speaker:

The Senate insists on its position on the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Roach, Benton and Kastama, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056.

**APPOINTMENT OF CONFEREES**

The Speaker appointed Representatives Haigh, Kirby and Armstrong as conferees on Engrossed Substitute House Bill No. 2056.

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

There being no objection, the House adjourned until 10:00 a.m., April 24, 2003, the 102<sup>nd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ONE HUNDRED FIRST DAY, APRIL 23, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ONE HUNDRED SECOND DAY**

---

House Chamber, Olympia, Thursday, April 24, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura and Erika Schreiner. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of

Allegiance. Prayer was offered by Bishop Eric Coppin, Lacey Third Ward, The Church of Jesus Christ of Latter Day Saints.

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

**MESSAGES FROM THE SENATE**

April 23, 2003

Mr. Speaker:

The Senate has receded from its amendment to HOUSE BILL NO. 1108 and passed the bill without said amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 24, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,  
ENGROSSED HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1036,  
SUBSTITUTE HOUSE BILL NO. 1058,  
SUBSTITUTE HOUSE BILL NO. 1059,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1075,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1084,  
HOUSE BILL NO. 1088,  
SECOND SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1106,  
SUBSTITUTE HOUSE BILL NO. 1113,  
SUBSTITUTE HOUSE BILL NO. 1127,  
SUBSTITUTE HOUSE BILL NO. 1128,  
SUBSTITUTE HOUSE BILL NO. 1136,  
HOUSE BILL NO. 1144,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1207,  
HOUSE BILL NO. 1246,  
SUBSTITUTE HOUSE BILL NO. 1250,  
SUBSTITUTE HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1352,  
HOUSE BILL NO. 1379,  
HOUSE BILL NO. 1391,  
ENGROSSED HOUSE BILL NO. 1403,  
SUBSTITUTE HOUSE BILL NO. 1409,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,  
HOUSE BILL NO. 1420,  
HOUSE BILL NO. 1430,  
SUBSTITUTE HOUSE BILL NO. 1512,  
HOUSE BILL NO. 1519,  
ENGROSSED HOUSE BILL NO. 1561,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1605,  
SUBSTITUTE HOUSE BILL NO. 1609,  
SUBSTITUTE HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1635,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,  
SECOND SUBSTITUTE HOUSE BILL NO. 1698,  
ENGROSSED HOUSE BILL NO. 1726,  
HOUSE BILL NO. 1753,  
SUBSTITUTE HOUSE BILL NO. 1805,  
SUBSTITUTE HOUSE BILL NO. 1813,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1854,  
SUBSTITUTE HOUSE BILL NO. 1855,  
HOUSE BILL NO. 1878,  
HOUSE BILL NO. 1882,  
SECOND SUBSTITUTE HOUSE BILL NO. 1887,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,  
HOUSE BILL NO. 1905,  
SUBSTITUTE HOUSE BILL NO. 1909,  
HOUSE BILL NO. 1937,  
SECOND SUBSTITUTE HOUSE BILL NO. 1973,  
HOUSE BILL NO. 1993,  
SUBSTITUTE HOUSE BILL NO. 2007,  
SECOND SUBSTITUTE HOUSE BILL NO. 2012,  
SUBSTITUTE HOUSE BILL NO. 2027,  
HOUSE BILL NO. 2063,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,  
SUBSTITUTE HOUSE BILL NO. 2111,  
SUBSTITUTE HOUSE BILL NO. 2202,  
HOUSE JOINT MEMORIAL NO. 4014,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,  
SUBSTITUTE SENATE BILL NO. 5144,  
SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SENATE BILL NO. 5410,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,  
SENATE BILL NO. 5726,  
SUBSTITUTE SENATE BILL NO. 5787,  
SENATE BILL NO. 5935,

and the same is herewith transmitted.

Milt H. Doumit, Secretary

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1204, with the following amendment:

On page 1, on line 12, after "subcommittee," strike all material down to and including "act." on line 14 and insert "with one retiree member under section 1(1)(d) of this act and two members from each group under section 1(1)(a), (b), (c) and (e) of this act."

On page 3, after line 5, insert the following:

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW to read as follows:

"(1) The select committee on pension policy shall form three function-specific subcommittees, as set forth under subsection (2) of this section, from the members under section 1(1) (a) through (e) of this act, as follows:

(a) A public safety subcommittee with one member from each group under section 1(1) (a) through (e) of this act;

(b) An education subcommittee with one member from each group under section 1(1) (a) through (e) of this act; and

(c) A state and local government subcommittee, with one retiree member under section 1(1)(d) of this act and two members from each group under section 1(1) (a) through (e) of this act.

The retiree members may serve on more than one subcommittee to ensure representation on each subcommittee.

(2)(a) The public safety subcommittee shall focus on pension issues affecting public safety employees who are members of the law enforcement officers' and fire fighters' and Washington state patrol retirement systems.

(b) The education subcommittee shall focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems.

(c) The state and local government subcommittee shall focus on pension issues affecting state and local government employees who are members of the public employees' retirement system."

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1204 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1376, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.250 and 1987 c 109 s 83 are each amended to read as follows:

(1) Any person, municipal corporation, firm, irrigation district, association, corporation, or water users' association hereafter desiring to appropriate water for a beneficial use shall make an application to the department for a permit to make such appropriation, and shall not use or divert such waters until he or she has received a permit from the department as in this chapter provided. The construction of any ditch, canal, or works, or performing any work in connection with said construction or appropriation, or the use of any waters, shall not be an appropriation of such water nor an act for the purpose of appropriating water unless a permit to make said appropriation has first been granted by the department(~~(= PROVIDED, That)~~).

(2) A temporary permit may be granted upon a proper showing made to the department to be valid only during the pendency of such application for a permit unless sooner revoked by the department(~~(= PROVIDED, FURTHER, That)~~).

(3) Nothing in this chapter (~~(contained)~~) shall be deemed to affect RCW 90.40.010 through 90.40.080 except that the notice and certificate (~~(therein)~~) provided for in RCW 90.40.030 shall be addressed to the department, and the department shall exercise the powers and perform the duties prescribed by RCW 90.40.030.

(4) No permit is required to capture or use water in rain barrels, cisterns, constructed ponds, or other storm water facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, regardless of whether the captured water is put to beneficial use. The captured water may not be transferred to or used in a water resource inventory area (WRIA), as defined in RCW 90.82.020, other than the water resource inventory area in which the water is captured, and may not be stored in a manner that creates a public nuisance as specified in RCW 17.28.170.

**Sec. 2.** RCW 90.03.370 and 2002 c 329 s 10 are each amended to read as follows:

(1)(a) All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir

shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:  
(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and ground water;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

(6) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

(7) No permit is required to capture or use water in rain barrels, cisterns, constructed ponds, or other storm water facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, regardless of whether the captured water is put to beneficial use. The captured water may not be transferred to or used in a water resource inventory area (WRIA), as defined in RCW 90.82.020, other than the water resource inventory area in which the water is captured, and may not be stored in a manner that creates a public nuisance as specified in RCW 17.28.170.

(8) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right that applies to the property.

(9) In addition to the facilities exempted under subsection (8) of this section, this section does not apply to small irrigation impoundments. For purposes of this subsection, "small irrigation impoundments" means surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season; however, the limitations of this subsection (9) apply to such a carry over."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 90.03.250 and 90.03.370."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1376 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to provide direction to the department of ecology and to municipalities regarding the development and implementation in Washington of phase two of the national pollutant discharge elimination system permit program required by the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

**NEW SECTION. Sec. 2.** (1) The department of ecology shall establish a permit development advisory group for the geographic areas draining to Puget Sound in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group, which may include up to eighteen members, of which at least half shall be representatives of local government, shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Advise and assist the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in geographic areas draining to Puget Sound in western Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 3.** (1) The department of ecology shall develop a municipal separate storm sewer system permit or permits that address the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the existing storm water advisory group it has established in eastern Washington to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington. The eastern Washington storm water advisory group shall:

(a) Review and address the issues specified in section 5 of this act as they pertain to eastern Washington and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Assist and advise the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in eastern Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 4.** (1) The department of ecology shall establish a permit development advisory group for the coastal and southwest areas in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall:

- (a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and
- (b) Advise and assist the department in drafting a permit or permits for municipal separate storm sewer systems in coastal and southwest Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 5.** (1) The permit development advisory group for Puget Sound areas in western Washington established in section 2 of this act, the eastern Washington storm water advisory group identified in section 3 of this act, and the permit development advisory group for coastal and southwest areas in western Washington established in section 4 of this act shall review and make recommendations to the department of ecology regarding the development of permits for municipal separate storm sewer systems. Issues considered by these groups shall include the:

- (a) Types of discharges being regulated under these permits;
  - (b) Areas being regulated by these permits under phases one and two of the federal national pollutant discharge elimination system permit program as they relate to municipal borders;
  - (c) Issuance of these permits on a watershed basis;
  - (d) Integration of permits and permit requirements for phase one and phase two of the federal national pollutant discharge elimination system permit program;
  - (e) Application of these permits to ground water discharges;
  - (f) Level of effort required of municipalities to satisfy permit requirements regarding:
    - (i) Public education and outreach;
    - (ii) Public participation and public involvement;
    - (iii) Illicit discharge detection and elimination;
    - (iv) Construction site runoff control;
    - (v) Postconstruction runoff control;
    - (vi) Pollution prevention and good housekeeping;
    - (vii) Implementation of applicable total maximum daily loads; and
    - (viii) Program evaluation and reporting;
  - (g) Protection for shellfish areas;
  - (h) Costs and benefits associated with each permit element not required under federal law;
  - (i) The use of land use planning and existing land use plans and rules as a best management practice for storm water management; and
  - (j) Potential funding sources for implementation of permit requirements.
- (2) This section expires June 30, 2005.

**NEW SECTION. Sec. 6.** (1) No later than December 1, 2003, the department of ecology shall submit a progress report regarding the work of the permit development advisory groups established and identified in sections 2, 3, and 4 of this act to the appropriate committees of the legislature.

(2) After the permits are developed but no later than December 1, 2004, the department of ecology shall submit a final report to the appropriate committees of the legislature regarding these permits and the work of the advisory groups. The department shall also identify any legislative recommendations from these groups or from the department based on the work of these groups."

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and asked the Senate to recede therefrom.

**SENATE AMENDMENT TO HOUSE BILL**

April 11, 2003

Mr. Speaker:



The Senate has passed SUBSTITUTE HOUSE BILL NO. 1335 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 79A.05.380 and 1993 c 182 s 1 are each amended to read as follows:

The legislature recognizes the increase in water-oriented recreation by users of human and wind-powered, beachable vessels such as kayaks, canoes, or day sailors on Washington's waters. These recreationists frequently require overnight camping facilities along the shores of public or private beaches. The legislature now creates a water trail recreation program, to be administered by the Washington state parks and recreation commission. The legislature recognizes that the effort to develop water trail sites is a continuing need and that the commission provides beneficial expertise and consultation to water trail user groups, agencies, and private landowners for the existing Cascadia marine trail and Willapa Bay water trail.

**Sec. 2.** RCW 79A.05.385 and 1993 c 182 s 2 are each amended to read as follows:

In addition to its other powers, duties, and functions, the commission may:

(1) Plan, construct, and maintain suitable facilities for water trail activities on lands administered or acquired by the commission or as authorized on lands administered by tribes or other public agencies or private landowners by agreement.

~~(2) (Provide and issue, upon payment of the proper fee, with the assistance of those authorized agents as may be necessary for the convenience of the public, water trail permits to utilize designated water trail facilities. The commission may, after consultation with the water trail advisory committee, adopt rules authorizing reciprocity of water trail permits provided by another state or Canadian province, but only to the extent that a similar exemption or provision for water trail permits is issued by that state or province.~~

~~(3))~~ (3) Compile, publish, distribute, and charge a fee for maps or other forms of public information indicating areas and facilities suitable for water trail activities.

~~((4))~~ (4) Contract with a public agency, private entity, or person for the actual conduct of these duties.

~~((5))~~ (5) Work with individuals or organizations who wish to volunteer their time to support the water trail recreation program.

(6) Provide expertise and consultation to individuals, agencies, and organizations in the continued development of water trail sites in this state.

**Sec. 3.** RCW 79A.05.410 and 1993 c 182 s 7 are each amended to read as follows:

The commission may ~~(, after consultation with the water trail advisory committee,)~~ adopt rules to administer the water trail program and facilities on areas owned or administered by the commission. Where water trail facilities administered by other public or private entities are incorporated into the water trail system, the rules adopted by those entities shall prevail. The commission is not responsible or liable for enforcement of these alternative rules.

**NEW SECTION. Sec. 4.** Any unspent balance of funds in the water trail program account created in RCW 79A.05.405 as of June 30, 2003, must be transferred to the state parks renewal and stewardship account created in RCW 79A.05.215. All receipts from sales of materials under RCW 79A.05.385 and all monetary civil penalties collected under RCW 79A.05.415 must be deposited in the state parks renewal and stewardship account. Any gifts, grants, donations, or moneys from any source received by the commission for the water trail program must also be deposited in the state parks renewal and stewardship account. Funds transferred or deposited into the state parks renewal and stewardship account under this section must be used solely for water trail program purposes.

**Sec. 5.** RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as ~~(herein)~~ provided in this section and section 6 of this act. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas ~~(;- PROVIDED, That))~~. However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land ~~(;- PROVIDED, That))~~. However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the

land(~~(- PROVIDED)~~). Further, That net income from such leases shall be deposited in the state parks renewal and stewardship account.

NEW SECTION. Sec. 6. At the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park. If the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this section reverts to the state parks and recreation commission.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:  
RCW 79A.05.400 (Water trail recreation program--Permits) and 1993 c 182 s 5;  
RCW 79A.05.405 (Water trail recreation program--Account created) and 2000 c 11 s 40 & 1993 c 182 s 6; and  
RCW 79A.05.420 (Water trail advisory committee) and 2000 c 11 s 41, 1994 c 264 s 21, & 1993 c 182 s 9."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 79A.05.380, 79A.05.385, 79A.05.410, and 79A.05.630; creating new sections; and repealing RCW 79A.05.400, 79A.05.405, and 79A.05.420."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

### **POINT OF ORDER**

Representative Simpson requested a scope and object ruling on the Senate amendment to Substitute House Bill No. 1335.

### **SPEAKER'S RULING**

Mr. Speaker (Representative Lovick presiding): "Substitute House Bill No. 1335 is an act relating to the "water trail recreation program". The bill eliminates the water trail permit, Water Trail Advisory Committee and Water Trail Program Account.

The Senate amendment authorizes the transfer of certain state parks lands. The amendment is unrelated to the purpose of the underlying bill and is clearly beyond its scope and object.

Representative Simpson, your point of order is well taken."

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1335 and asked the Senate to recede therefrom.

### **MOTIONS**

On motion of Representative Clements, Representatives McDonald and Pflug were excused. On motion of Representative Santos, Representatives Edwards, Grant, Kessler, McIntire and Sullivan were excused.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 11, 203

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1829 with the following amendment:

On page 10, line 33, after "(c)" insert the following:

"The employee has not already rendered a cumulative total of more than (i) three thousand one hundred sixty-five hours of service as a teacher, or (ii) one thousand nine hundred hours in any other capacity, while receiving pension payments, beyond an annual threshold of eight hundred sixty-seven hours; and  
(d)

On page 10, line 35, after "audit;", strike everything through "retirement." and insert the following:

"shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than on thousand five hundred hours in a school year. The cumulative total limitations under this subsection apply prospectively to those retiring after the effective date of this act and retroactively to those who retired prior to the effective date of this act, and shall be calculated from the date of retirement."

Renumber the sections consecutively and correct any internal references accordingly.

On page 10, beginning on line 35, after "and" strike all material down to and including "retirement." on line 10 and insert the following:

"(d) The employee has not already rendered a cumulative total of more than (i) three thousand one hundred sixty-five hours of service as a teacher or principal, or (ii) one thousand nine hundred hours in any other capacity, while receiving pension payments, beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a school year. The cumulative total limitations under this subsection apply prospectively to those retiring after the effective date of this act and retroactively to those who retired prior to the effective date of this act, and shall be calculated from the date of retirement."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1829 on page 10, line 35, but refused to concur in the Senate amendment on page 10, line 38 and asked the Senate to recede therefrom.

## SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1057, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) The legislature finds that existing law as it relates to the suspension of commercial fishing licenses does not take into account the real-life circumstances faced by the state's commercial fishing fleets. The nature of the commercial fishing industry, together with the complexity of fisheries regulations, is such that honest mistakes can be made by well-meaning and otherwise law-abiding fishers. Commercial fishing violations that occur within an acceptable margin of error should not result in the suspension of fishing privileges. Likewise, fishers facing the possibility of license suspension or revocation deserve the opportunity to explain any extenuating circumstances prior to having his or her professional privileges suspended.

(b) The legislature intends, by creating the license suspension review committee, to provide a fisher with the opportunity to explain any extenuating circumstances that led to a commercial fishing violation. The legislature intends for the license suspension review committee to give serious considerations to the case-specific facts and scenarios leading up to a violation, and for license suspensions to issue only when the facts indicate a willful act that undermines the conservation of fish stocks. Frivolous violations should not result in the suspension of privileges, and should be punished only by the criminal sanctions attached to the underlying crime.

(2)(a) The legislature further finds that gross abuses of fish stocks should not be tolerated. Individuals convicted of even one violation that is egregious in nature, causing serious detriment to a fishery or the competitive disposition of other fishers, should have his or her license suspended and revoked.

(b) The legislature intends for the license suspension review committee to take egregious fisheries' violations seriously. When dealing with individuals convicted of only one violation, the license suspension

review committee should only consider suspension for individuals that are convicted of violations that are of a severe magnitude and show a wanton disregard for the public's resource.

**Sec. 2.** RCW 77.15.700 and 2001 c 253 s 46 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

- (1) If directed by statute for an offense;
- (2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent. This subsection (2) does not apply to violations involving commercial fishing;
- (3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;
- (4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years;
- ~~(5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension).~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) If a person is convicted of two or more qualifying commercial fishing violations within a three-year period, the person's privileges to participate in the commercial fishery to which the violations applied may be suspended by the director for up to one year. A commercial fishery license that is suspended under this section may not be transferred after the director issues a notice of suspension, or used by an alternative operator or transferred during the period of suspension, if the person who is the subject of the suspension notice is the person who owns the commercial fishery license.

(2) For the purposes of this section only, "qualifying commercial fishing violation" means either:

(a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520, 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590;

(b) A gross misdemeanor or felony involving commercial fish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold fish, other than shellfish, groundfish, or coastal pelagic species of baitfish totals greater than six percent, by weight, of the harvest available for inspection at the time of citation and the cumulative value of the unlawfully harvested fish is more than two hundred fifty dollars at the time of citation;

(c) A gross misdemeanor or felony involving commercial groundfish or coastal pelagic baitfish harvest, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued under this title, if:  
(i) The quantity of unlawfully harvested, possessed, bought, or sold groundfish or coastal pelagic baitfish totals greater than ten percent, by weight, of the harvest available for inspection at the time of citation and has a cumulative value greater than five hundred dollars; or (ii) the quantity, by weight, of the unlawfully commercially harvested groundfish or coastal pelagic baitfish is ten percent greater than the landing allowances provided under rules adopted by the department for species categorized as over-fished by the national marine fisheries service; or

(d) A gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals greater than six percent of the harvest available for inspection at the time of citation; and (ii) totals fifty or more individual shellfish.

(3)(a) The director may refer a person convicted of one qualifying commercial fishing violation to the license suspension review committee if the director feels that the qualifying commercial fishing violation was of a severe enough magnitude to justify suspension of the individual's license renewal privileges.

(b) The director may refer any person convicted of one egregious shellfish violation to the license suspension review committee.

(c) For the purposes of this section only, "egregious shellfish violation" means a gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals more than twenty percent of the harvest available for inspection at the time of citation; (ii) totals five hundred or more individual shellfish; and (iii) is valued at two thousand five hundred dollars or more.

(4) A person who has a commercial fishing license suspended or revoked under this section may file an appeal with the license suspension review committee pursuant to section 4 of this act. An appeal must be filed

within thirty-one days of notice of license suspension or revocation. If an appeal is filed, the suspension or revocation issued by the department does not take effect until after the license suspension review committee has delivered an opinion. If no appeal is filed within thirty-one days of notice of license suspension or revocation, the right to an appeal is considered waived. All suspensions ordered under this section take effect either thirty- one days following the conviction for the second qualifying commercial fishing violation, or upon a decision pursuant to section 4 of this act, whichever is later.

(5) A fishing privilege suspended under this section is in addition to the statutory penalties assigned to the underlying crime.

(6) For the purposes of this section only, the burden is on the state to show the dollar amount or the percent of a harvest that is comprised of unlawfully harvested, bought, or sold individual fish or shellfish.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.15 RCW to read as follows:

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to section 3 of this act.

(2)(a) The license suspension review committee is composed of five voting members and up to four alternates.

(b) Two of the members must be appointed by the director and may be department employees.

(c) Three members, and up to four alternates, must be peer-group members, who are individuals owning a commercial fishing license issued by the department. If a peer-group member appears before the license suspension review committee because of a qualifying commercial fishing violation, the member must recuse himself or herself from the proceedings relating to that violation. No two voting peer-group members may reside in the same county. All peer-group members must be appointed by the commission, who may accept recommendations from professional organizations that represent commercial fishing interests or from the legislative authority of any Washington county.

(d) All license suspension review committee members serve a two- year renewable term.

(e) The commission may develop minimum member standards for service on the license suspension review committee, and standards for terminating a member before the expiration of his or her term.

(3) The license suspension review committee must convene and deliver an opinion on a license renewal suspension within three months of appeal or of referral from the department. The director shall consider the committee's opinion and make a decision and may issue, not issue, or modify the license suspension.

(4) The license suspension review committee shall collect the information and hear the testimony that it feels necessary to deliver an opinion on the proper length, if any, of a suspension of a commercial license. The opinion may be based on extenuating circumstances presented by the individual convicted of the qualifying commercial fishing violation or considerations of the type and magnitude of violations that have been committed by the individual. The maximum length of any suspension may not exceed one year.

(5) All opinions of the license suspension review committee must be by a majority vote of all voting members. Alternate committee members may only vote when one of the voting members is unavailable, has been recused, or has decided not to vote on the case before the committee. Nonvoting alternates may be present and may participate at all license suspension review committee meetings.

(6) Members of the license suspension review committee serve as volunteers, and are not eligible for compensation other than travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(7) Staff of the license suspension review committee must be provided by the department.

**Sec. 5.** RCW 77.65.030 and 2001 c 244 s 2 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31st of the calendar year for which the license or permit is sought. The department shall accept no license or permit applications after December 31st of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death or incapacity of the license or permit holder. The license or permit holder's surviving spouse, estate, ~~((or))~~ estate beneficiary, attorney in fact, or guardian must be given ~~((a reasonable opportunity))~~ an additional one hundred eighty days to renew the license or permit.

**NEW SECTION. Sec. 6.** Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 77.15.700 and 77.65.030; adding new sections to chapter 77.15 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1057 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hatfield spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1057 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1057, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

SUBSTITUTE HOUSE BILL NO. 1057, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1356, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.24.010 and 1994 c 83 s 1 are each amended to read as follows:

Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars: PROVIDED, That the ~~((fee shall in no case be less than one dollar))~~ commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

**Sec. 2.** RCW 81.24.010 and 1996 c 196 s 1 are each amended to read as follows:

(1) Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, ~~((wharfingers or warehousemen))~~ and motor freight carriers~~((, and storage warehousemen))~~ shall, on or before the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to one and one-half percent of its intrastate gross operating revenue. ~~((However, the fee shall in no case be less than one dollar))~~ The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. Any railroad association that qualifies as a not-for-profit charitable organization under the federal internal revenue code section 501(c)(3) is exempt from the fee required under this subsection.

(2) The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

**Sec. 3.** RCW 81.24.020 and 1997 c 215 s 1 are each amended to read as follows:

~~((By May 1st of each year))~~ On or before the date specified by the commission for filing annual reports under RCW 81.04.080, every auto transportation company must file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding year and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue. ~~((However, the fee paid shall in no case be less than two dollars and fifty cents.))~~ The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which the fee is due.

**Sec. 4.** RCW 81.24.030 and 1993 c 427 s 10 are each amended to read as follows:

Every commercial ferry shall, on or before ~~((the first day of April of each year))~~ the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the ~~((fee so paid shall in no case be less than five dollars))~~ commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year.

**Sec. 5.** RCW 81.77.080 and 1989 c 431 s 24 are each amended to read as follows:

Every solid waste collection company shall, on or before ~~((the 1st day of April of each year))~~ the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of gross operating revenue: PROVIDED, That the ~~((fee shall in no case be less than one dollar))~~ commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the solid waste collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund."

In line 2 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 80.24.010, 81.24.010, 81.24.020, 81.24.030, and 81.77.080."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1356 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1356 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1356, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1361, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.66.030 and 2002 c 313 s 40 are each amended to read as follows:

Marketing orders may be made for any one or more of the following purposes:

- (1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets, or to create new or larger markets for any agricultural commodity grown in the state of Washington;
- (2) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of any agricultural commodity;
- (3) To provide for improving standards and grades by defining, establishing, and providing labeling requirements with respect to the same;
- (4) To investigate and take necessary action to prevent unfair trade practices;
- (5) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;
- (6) To provide marketing information and services for producers of an agricultural commodity;
- (7) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;
- (8) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity; (~~and~~)



- (9) To provide for commodity-related education and training; and  
(10) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity.

**Sec. 2.** RCW 15.66.140 and 2002 c 313 s 57 are each amended to read as follows:

Every commodity commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

- (1) To elect a chair and such other officers as determined advisable;
- (2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;
- (3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;
- (4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;
- (5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;
- (6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;
- (7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;
- (8) Borrow money and incur indebtedness;
- (9) Make necessary disbursements for routine operating expenses;
- (10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;
- (11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;
- (12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;
- (13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;
- (14) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;
- (15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;
- (16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;
- (17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;
- (18) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of the marketing order and data on the value of each producer's production for a minimum three-year period;
- (19) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person; ~~(and)~~
- (20) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid;
- (21) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity; and
- (22) Such other powers and duties that are necessary to carry out the purposes of this chapter.

**Sec. 3.** RCW 15.66.185 and 2002 c 313 s 62 are each amended to read as follows:

(1) Any funds of any agricultural commodity commission may be invested in savings or time deposits in banks, trust companies, and mutual savings banks that are doing business in the United States, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation.

(2) This section shall apply to all funds which may be lawfully so invested, which in the judgment of any agricultural commodity commission are not required for immediate expenditure. The authority granted by this

section is not exclusive and shall be construed to be cumulative and in addition to other authority provided by law for the investment of such funds, including, but not limited to, authority granted under chapters 39.58, 39.59, and 43.84 RCW.

**Sec. 4.** RCW 15.66.110 and 2002 c 313 s 51 are each amended to read as follows:

(1) Every marketing order shall establish a commodity commission composed of not less than five nor more than ~~((thirteen))~~ fifteen members. ~~((In addition, the director shall be an ex officio member of each commodity commission unless otherwise specified in the marketing order.))~~ Commission members shall be citizens and residents of this state if required by the marketing order, and over the age of eighteen. Not more than one commission member may be part of the same "person" as defined by this chapter. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Except as provided in subsection (2) of this section, no less than ~~((two-thirds))~~ sixty percent of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. Except as provided in subsection (4) of this section, the remaining members shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity, or persons not so related.

(2) A marketing order may provide that a majority of the commission be appointed by the director ~~((, but in any event, no less than one-third of the commission members shall be elected by the affected producers))~~.

(3) In the event that the marketing order provides that a majority of the commission be appointed by the director, the marketing order shall incorporate ~~((either))~~ the provisions of RCW 15.66.113 ~~((or 15.66.115))~~ for member selection.

(4) The director shall appoint to every commission one member who represents the director. The director is a voting member of each commodity commission.

**NEW SECTION. Sec. 5.** A new section is added to chapter 15.66 RCW to read as follows:

(1) Each commodity commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodity; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review each commodity commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodity.

(3) Each commodity commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

**NEW SECTION. Sec. 6.** A new section is added to chapter 15.66 RCW to read as follows:

Each commission organized under a marketing order adopted under this chapter exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges each commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodity.

**NEW SECTION. Sec. 7.** RCW 15.66.115 (When director appoints majority of the commission--Nominations--Advisory vote--Notice-- Director appoints candidate receiving the most votes--Exception) and 2002 c 313 s 53 are each repealed.

**NEW SECTION. Sec. 8.** The costs incurred by the department of agriculture that are associated with the implementation of section 5 of this act shall be paid for by the affected commodity commissions.

**Sec. 9.** RCW 15.65.220 and 2002 c 313 s 20 are each amended to read as follows:

(1) Every marketing agreement and order shall provide for the establishment of a commodity board of not less than five nor more than thirteen members and shall specify the exact number thereof and all details as to (a) qualification, (b) nomination, (c) election or appointment by the director, (d) term of office, and (e) powers, duties, and all other matters pertaining to such board.

(2) The members of the board shall be producers or handlers or both in such proportion as the director shall specify in the marketing agreement or order, but in any marketing order or agreement the number of

handlers on the board shall not exceed the number of producers thereon. The marketing order or agreement may provide that a majority of the board be appointed by the director, but in any event, no less than one-third of the board members shall be elected by the affected producers.

(3) In the event that the marketing order or agreement provides that a majority of the commodity board be appointed by the director, the marketing order or agreement shall incorporate ~~((either))~~ the provisions of RCW 15.65.243 ~~((or 15.65.245))~~ for board member selection.

(4) The director shall appoint to every board one member who represents the director. The director shall be a voting member of each commodity board.

**NEW SECTION. Sec. 10.** A new section is added to chapter 15.65 RCW to read as follows:

(1) Each commodity commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodity; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review each commodity commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodity.

(3) Each commodity commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

**NEW SECTION. Sec. 11.** A new section is added to chapter 15.65 RCW to read as follows:

Each commission organized under a marketing order adopted under this chapter exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges each commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodity.

**NEW SECTION. Sec. 12.** A new section is added to chapter 15.65 RCW to read as follows:

The costs incurred by the department associated with the implementation of section 10 of this act shall be paid for by the affected commodity commissions.

**Sec. 13.** RCW 15.28.020 and 2002 c 313 s 105 are each amended to read as follows:

The commission is composed of ~~((sixteen))~~ seventeen voting members, as follows: Ten producers, four dealers, and two processors, who are ~~((elected and qualified))~~ appointed as provided in this chapter. The director, or an authorized representative, shall be ~~((an ex officio member without a vote))~~ a voting member of the commission. Other sections of this chapter that relate to the selection of voting members shall not apply to the director or his or her authorized representative.

A majority of the voting members constitute a quorum for the transaction of any business.

**Sec. 14.** RCW 15.28.040 and 1967 c 191 s 3 are each amended to read as follows:

Of the producer members, four shall be ~~((elected))~~ appointed from the first district and occupy positions one, two, three and four; four shall be ~~((elected))~~ appointed from the second district and occupy positions five, six, seven and eight, and two shall be ~~((elected))~~ appointed from the third district and occupy positions nine and ten.

Of the dealer members, two shall be ~~((elected))~~ appointed from each of the first and second districts and respectively occupy positions eleven and twelve from the first district and positions thirteen and fourteen from the second district.

The processor members shall be ~~((elected))~~ appointed from the state at large and occupy positions fifteen and sixteen. The dealer member position previously referred to as position twelve shall henceforth be position thirteen. The processor member position heretofore referred to as position fourteen shall cease to exist on March 21, 1967. The processor member position heretofore referred to as thirteen shall be known as position sixteen.

**Sec. 15.** RCW 15.28.050 and 1967 c 191 s 4 are each amended to read as follows:

The regular term of office of the members of the commission shall be three years commencing on May 1, following the date of ~~((election))~~ appointment and until their successors are ~~((elected))~~ appointed and qualified, except, however, that the first term of dealer position twelve in the first district shall be for two years and expire May 1, 1969.

**NEW SECTION. Sec. 16.** A new section is added to chapter 15.28 RCW to read as follows:

(1) The director shall appoint the members of the commission.

(2) Candidates for positions on the commission shall be nominated under RCW 15.28.060.

(3) Not less than sixty days nor more than seventy-five days prior to the commencement of a commission member's term, the director shall cause an advisory vote to be held for the director-appointed positions. Advisory ballots shall be mailed to all affected producers and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position, the commission shall select a second candidate whose name will be forwarded to the director.

(4) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select either person for the position.

**NEW SECTION. Sec. 17.** A new section is added to chapter 15.28 RCW to read as follows:

To accomplish the transition to a commission structure where the director appoints a majority of commission members, the names of the currently elected commission members shall be forwarded to the director for appointment to the commission within thirty days of the effective date of this act. Thereafter, the director shall appoint commission members pursuant to section 16 of this act as the current commission member terms expire.

**Sec. 18.** RCW 15.28.060 and 1967 c 191 s 6 are each amended to read as follows:

The director shall call meetings at times and places concurred upon by the director and the commission for the purpose of nominating producer, dealer or processor members for ~~((election))~~ potential appointment to the commission when such members' terms are about to expire. Notice of such meetings shall be given at least sixty days prior to the time the respective members' term is about to expire. The nominating meetings shall be held at least sixty days prior to the expiration of the respective members' term of office.

Notice shall be given by the commission by mail to all known persons having a right to vote for such respective nominee's ~~((election))~~ potential appointment to the commission.

Further, the commission shall publish notice at least once in a newspaper of general circulation in the district where the nomination is to be held. Such a newspaper may be published daily or weekly. The failure of any person entitled to receive notice of such nominating meeting shall not invalidate such nominating meeting or the ~~((election))~~ appointment of a member nominated at such meeting.

Any person qualified to serve on the commission may be nominated orally at ~~((said))~~ the nomination meetings. Written nominations, signed by five persons qualified to vote for the said nominee, may be made for five days subsequent to ~~((said))~~ the nomination meeting. Such written nominations shall be filed with the commission at its Yakima office.

~~((Members of the commission shall be elected by a))~~ The director shall cause an advisory vote to be held for commission positions. The advisory vote shall be by secret mail ballot~~((, and such election shall be conducted under the supervision of the director, and the elected candidate shall become a member of the commission upon certification of the director that said elected candidate has satisfied the required qualifications for membership on the commission.~~

~~When only one nominee is nominated for any position on the commission, the director shall, if such nominee satisfies the requirements of the position for which he was nominated, certify the said nominee as to his qualifications and then it shall be deemed that said nominee has been duly elected. Nominees receiving a majority of the votes in an election shall be considered to have been elected and if more than one position is to be filled in a district or at large, the nominees respectively receiving the largest number of votes shall be deemed to have been elected to fill the vacancies from said districts or areas on the commission)).~~ Persons qualified to vote for members of the commission shall, except as otherwise provided by law or rule or regulation of the commission, vote only in the district in which their activities make them eligible to vote for a potential member of the commission.

A producer to be eligible to vote in ~~((an election))~~ the advisory vote for a nominee as a producer member of the commission must be a commercial producer of soft tree fruits paying assessments to the commission.

When a legal entity acting as a producer, dealer, or processor is qualified to vote for a candidate in any district or area to serve in a specified position on the commission, such legal entity may cast only one vote for such candidate, regardless of the number of persons comprising such legal entity or stockholders owning stock therein.

**Sec. 19.** RCW 15.28.070 and 1967 c 191 s 7 are each amended to read as follows:

The commission shall have the authority, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act), for adopting rules and regulations, after public hearing, establishing one or more

subdistricts in any one of the three districts. Such subdistricts shall include a substantial portion of the soft tree fruit producing area in the district in which they are formed.

The commission shall, when a subdistrict has been formed within one of the districts as in this section provided for, assign one of the districts' producer positions on the commission to said subdistrict. Such producer position may only be filled by a producer residing in such subdistrict, whether by ~~((election,))~~ apportionment~~((,))~~ or appointment.

**Sec. 20.** RCW 15.28.080 and 1961 c 11 s 15.28.080 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position, until the next annual ~~((election))~~ nominating meeting, shall be filled by vote of the remaining members of the commission. ~~((At such annual election a commissioner shall be elected to fill the balance of the unexpired term.))~~ Following the next annual nomination meeting, the director shall appoint one of the two nominees selected by advisory ballot to fill the balance of the unexpired term.

NEW SECTION. **Sec. 21.** A new section is added to chapter 15.28 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. **Sec. 22.** A new section is added to chapter 15.28 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

NEW SECTION. **Sec. 23.** A new section is added to chapter 15.28 RCW to read as follows:

The costs incurred by the department of agriculture associated with the implementation of section 21 of this act shall be paid for by the commission.

**Sec. 24.** RCW 15.44.020 and 2002 c 313 s 89 are each amended to read as follows:

The dairy products commission shall be composed of not more than ten members. There shall be one member from each district who shall be a practical producer of dairy products ~~((to be elected by such producers)), one member shall be a dealer, and one member shall be a producer who also acts as a dealer((, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and)).~~ The director of agriculture shall be ~~((an ex-officio member without vote))~~ a voting member of the commission.

As used in this chapter, "director" means the director of agriculture or his or her authorized representative.

NEW SECTION. **Sec. 25.** A new section is added to chapter 15.44 RCW to read as follows:

(1) The director shall appoint the members of the commission.

(2) Candidates for producer member positions on the commission shall be nominated under RCW 15.44.033.

(3) The director shall cause an advisory vote to be held for the producer member positions. Advisory ballots shall be mailed to all affected producers in the district where a vacancy is about to occur and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position, the commission shall select a second candidate whose name will be forwarded to the director.

(4) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select either person for the position.

**Sec. 26.** RCW 15.44.033 and 1995 c 374 s 59 are each amended to read as follows:

Producer members of the commission shall be nominated (~~(and elected)~~) by producers within the district that such producer members represent in the year in which a commission member's term shall expire. (~~(Such producer members receiving the largest number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.)~~)

Nomination for candidates to be (~~(elected)~~) appointed to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he or she will be willing to serve on the commission if (~~(elected)~~) appointed.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the advisory election ballot.

Advisory vote ballots for electing (~~(members)~~) nominees to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where advisory elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

(~~(If only one person is nominated for a position on the commission,)~~) The director shall determine whether the (~~(person possesses)~~) persons nominated possess the qualifications required by statute for the position (~~(and, if the director determines that the person possesses such qualifications, the director shall declare that the person has been duly elected)~~).

**Sec. 27.** RCW 15.44.035 and 2002 c 313 s 90 are each amended to read as follows:

(1) The commission shall prior to each advisory election, in sufficient time to satisfy the requirements of RCW 15.44.033, furnish the director with a list of all producers within the district for which the advisory election is being held. The commission shall require each dealer and shipper in addition to the information required under RCW 15.44.110 to furnish the commission with a list of names of producers whose milk they handle.

(2) Any producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of the advisory election.

(3) It is the responsibility of each producer to ensure that his or her correct address is filed with the commission.

(4) For all purposes of giving notice, holding referenda, and (~~(electing members of)~~) conducting advisory votes for nominees to the commission, the applicable list of producers corrected up to the day preceding the date the list is certified and mailed to the director is deemed to be the list of all producers or handlers, as applicable, entitled to notice or to vote. The list shall be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

**NEW SECTION. Sec. 28.** A new section is added to chapter 15.44 RCW to read as follows:

To accomplish the transition to a commission structure where the director appoints the commission members, the names of the currently elected commission members shall be forwarded to the director for appointment to the commission within thirty days of the effective date of this act. Thereafter, the director shall appoint commission members pursuant to section 25 of this act as the current commission member terms expire.

**NEW SECTION. Sec. 29.** A new section is added to chapter 15.44 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising, promotion, and education of the affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education, training and leadership plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

**NEW SECTION. Sec. 30.** A new section is added to chapter 15.44 RCW to read as follows:  
The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

**NEW SECTION. Sec. 31.** A new section is added to chapter 15.44 RCW to read as follows:  
The costs incurred by the department of agriculture associated with the implementation of section 29 of this act shall be paid for by the commission.

**Sec. 32.** RCW 15.44.150 and 2002 c 313 s 102 are each amended to read as follows:  
Any action by the commission administrator, member, employee, or agent thereof pertaining to the performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by this chapter, and any other liabilities, debts, or claims against the commission shall be enforced in the same manner as if the commission were a corporation. No liability for the debts or actions of the commission shall exist against the state of Washington or any subdivision or instrumentality thereof. Liability for the debts or actions of the commission's administrator, member, employee, or agent incurred in their official capacity under this chapter does not exist either against the administrator, members, employees, and agents in their individual capacity or the state of Washington. The administrator, its members, and its agents and employees are not responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime.  
All persons employed or contracting under this chapter shall be limited to, and all salaries, expenses, and liabilities incurred by the commission shall be payable only from the funds collected under this chapter.

**Sec. 33.** RCW 16.67.040 and 2000 c 146 s 1 are each amended to read as follows:  
There is hereby created a Washington state beef commission to be thus known and designated. The commission shall be composed of two beef producers, two dairy (beef) producers, two feeders, one livestock salesyard operator, ~~(and)~~ one meat packer, and the director, who shall be a voting member. If an otherwise voting member is elected as the chair of the commission, the member may, during the member's term as chair of the commission, cast a vote as a member of the commission only to break a tie vote. ~~((In addition there may be one ex officio member without the right to vote from the department of agriculture to be designated by the director thereof and,))~~ If the commission so chooses, there may be one additional nonvoting member in an advisory capacity appointed by the ~~((voting))~~ members of the commission for such a term as the ~~((voting))~~ members may set.

A majority of voting members shall constitute a quorum for the transaction of any business.  
All appointed members as stated in RCW 16.67.060 shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in that phase of the cattle industry he or she represents for a period of five years, and has during that period derived a substantial portion of his or her income therefrom, or have a substantial investment in cattle as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production of cattle or dressed beef, or a manager or executive officer of such corporation. Producer members of the commission shall not be directly engaged in the business of being a meat packer, or as a feeder, feeding cattle other than their own. Said qualifications must continue throughout each member's term of office.

**NEW SECTION. Sec. 34.** A new section is added to chapter 16.67 RCW to read as follows:  
(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:  
(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of its affected commodities; and  
(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of its affected commodities may be encouraged, expanded, improved, or made more efficient.  
(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning its affected commodities.  
(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.  
(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

**NEW SECTION. Sec. 35.** A new section is added to chapter 16.67 RCW to read as follows:  
The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

**NEW SECTION. Sec. 36.** A new section is added to chapter 16.67 RCW to read as follows:  
The costs incurred by the department associated with the implementation of section 34 of this act shall be paid for by the commission.

**NEW SECTION. Sec. 37.** RCW 15.65.245 (When director appoints majority of the board--Nominations--Advisory vote--Notice--Director appoints candidate receiving the most votes--Exception) and 2002 c 313 s 25 are each repealed.

**Sec. 38.** RCW 15.88.030 and 1997 c 321 s 40 are each amended to read as follows:

(1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. ~~((Except as provided in RCW 15.88.100(2),))~~ The commission shall be composed of ~~((eleven))~~ twelve voting members and one nonvoting member; five voting members shall be growers, five voting members shall be wine producers, one voting member shall be the director, and one voting member shall be a wine distributor licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) ~~((In addition to the voting members identified in subsection (1) of this section,))~~ The commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes. ~~((The director of agriculture, or the director's designee, shall serve as an ex officio, nonvoting member.))~~

(3) ~~((Except as provided in RCW 15.88.100(2),))~~ Seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each voting member, except the member holding position eleven, must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office. This subsection does not apply to the director.

**Sec. 39.** RCW 15.88.040 and 1988 c 254 s 13 are each amended to read as follows:

The ~~((appointive))~~ appointed voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; ~~((and))~~ the wine wholesaler shall be position eleven; and the director shall be position number thirteen. The nonvoting industry member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except ~~((as provided in RCW 15.88.100(2)))~~ for position thirteen, the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon July 1, 1987, shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting industry member shall terminate July 1, 1990.

**Sec. 40.** RCW 15.88.050 and 2002 c 313 s 111 are each amended to read as follows:

(1) The director shall appoint the members of the commission. In making such appointments ~~((of the voting members))~~, the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the



commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

(2) The appointment shall be carried out immediately subsequent to July 1, 1987, and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under RCW 15.88.040.

(3) In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

(4) Each member or employee of the commission shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

**Sec. 41.** RCW 15.88.100 and 1988 c 254 s 14 are each amended to read as follows:

(1) Except as provided in subsection((s)) (2) (~~and (3)~~) of this section, the vote of each of the voting members of the commission shall be weighted as provided by this subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be ~~((eleven)) twelve~~ votes. The vote of position one shall be equal to the lesser of the following: ~~((Five)) Six~~ and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) ~~((In the event the assessment described in RCW 66.24.215(1)(b) is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting members and two nonvoting members. The nonvoting industry member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.~~

~~((3))~~ In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsection((s)) (1) (~~and (2)~~) of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

NEW SECTION. **Sec. 42.** A new section is added to chapter 15.88 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising, promotion, and education of the affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. **Sec. 43.** A new section is added to chapter 15.88 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to wine grapes and wine.

**Sec. 44.** RCW 15.88.180 and 2002 c 313 s 76 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

(2) The costs incurred by the department associated with the implementation of section 42 of this act shall be paid for by the commission.

**NEW SECTION. Sec. 45.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 15.66.030, 15.66.140, 15.66.185, 15.66.110, 15.65.220, 15.28.020, 15.28.040, 15.28.050, 15.28.060, 15.28.070, 15.28.080, 15.44.020, 15.44.033, 15.44.035, 15.44.150, 16.67.040, 15.88.030, 15.88.040, 15.88.050, 15.88.100, and 15.88.180; adding new sections to chapter 15.66 RCW; adding new sections to chapter 15.65 RCW; adding new sections to chapter 15.28 RCW; adding new sections to chapter 15.44 RCW; adding new sections to chapter 16.67 RCW; adding new sections to chapter 15.88 RCW; creating a new section; repealing RCW 15.66.115 and 15.65.245; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1361 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Schoesler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1361 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1361, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 1361, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1858, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of providing intensive inpatient or recovery house residential treatment services for chemical dependency, certified by the department of social and health services, for which payment from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof is received as compensation for or to

support those services; as to such persons the amount of tax with respect to such business shall be equal to the gross income from such services multiplied by the rate of 0.484 percent.

(2) If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.

**Sec. 2.** RCW 82.04.290 and 2001 1st sp.s. c 9 s 6 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.298, 82.04.2905, 82.04.280, 82.04.2907, ~~((and))~~ 82.04.272, and section 1 of this act, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "amending RCW 82.04.290; and adding a new section to chapter 82.04 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1858 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Mastin and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1858 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1858, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 1858, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1972, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 77.15 RCW to read as follows:  
Since violation of rules of the department relating to the accounting of the commercial harvest of food fish, commercialized game fish, and shellfish result in damage to the resources of the state, persons selling such fish and shellfish at retail, including but not limited to stores, markets, and restaurants, must maintain sufficient records for the department to be able to ascertain the origin of the fish and shellfish in their possession.

(1) A retail fish seller is guilty of retail fish seller's failure to account for commercial harvest if the retail seller sells fish or shellfish at retail, the fish or shellfish were required to be entered on a Washington state fish receiving ticket, the seller is not a wholesale fish dealer or fisher selling under a direct retail sale endorsement, and the seller fails to maintain sufficient records at the location where the fish or shellfish are being sold to determine the following:

(a) The name of the wholesale fish dealer or fisher selling under a direct retail sale endorsement from whom the fish were purchased;

(b) The wholesale fish dealer's license number or the number of the fisher's sale under a direct retail sale endorsement;

(c) The fish receiving ticket number documenting original receipt, if known;

(d) The date of purchase; and

(e) The amount of fish or shellfish originally purchased from the wholesale dealer or fisher selling under a direct retail sale endorsement.

(2) A retail fish seller's failure to account for commercial harvest is a misdemeanor."

On page 1, beginning on line 2 of the title, after "fish;" strike the remainder of the title and insert "adding a new section to chapter 77.15 RCW; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1972 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hatfield spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1972 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1972, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray,

Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 1972, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 15, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1980, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.260 and 1997 c 58 s 313 are each amended to read as follows:

~~((Recipients who have not obtained paid, unsubsidized employment by the end of the job search component authorized in section 312 of this act shall be referred to a work activity.))~~

(1) Each recipient shall be assessed ~~((immediately upon completion of the job search component))~~ after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, ~~((employment strengths, and employment history))~~ availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment.

(2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(3) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(4) The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

**Sec. 2.** RCW 74.08A.275 and 1999 c 340 s 1 are each amended to read as follows:

Each recipient approved to receive temporary assistance for needy families shall be subject to an employability screening under RCW 74.08A.260 after determination of program eligibility and before referral to job search. If the employability screening determines the recipient is not employable, or meets the criteria specified in RCW 74.08A.270 for a good cause exemption to work requirements, the department shall defer the job search requirement under RCW 74.08A.285 ~~((and refer the recipient immediately to the assessment procedure required under RCW 74.08A.260))~~.

**Sec. 3.** RCW 74.08A.285 and 1998 c 89 s 1 are each amended to read as follows:

The WorkFirst program operated by the department to meet the federal work requirements specified in P.L. 104-193 shall contain a job search component. The component shall consist of instruction on how to secure a job and assisted job search activities to locate and retain employment. Nonexempt recipients of temporary assistance for needy families shall participate in an initial job search for no more than twelve consecutive weeks. Each recipient shall receive a work skills assessment upon referral to the job search program. The work skills assessment shall include but not be limited to education, employment history, employment strengths, and job skills. The recipient's ability to obtain employment will be reviewed ~~((within the first four weeks of job search and))~~ periodically thereafter and, if it is clear at any time that further participation in a job search will not be

productive, the department shall assess the recipient pursuant to RCW 74.08A.260. The department shall refer recipients unable to find employment through the initial job search period to work activities that will develop their skills or knowledge to make them more employable, including additional job search and job readiness assistance."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 74.08A.260, 74.08A.275, and 74.08A.285."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1980 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1980 as amended by the Senate.

Representative Boldt spoke in favor of the passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1980, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 1980, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2001, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

The real and personal property owned or used by a nonprofit organization is exempt from taxation if the property is used for solicitation or collection of gifts, donations, or grants for the support of individual artists and the organization meets all of the following conditions:

- (1) The organization is organized and conducted for nonsectarian purposes.
- (2) The organization is qualified for exemption under section 501(c)(3) of the federal internal revenue code.
- (3) The organization is governed by a volunteer board of directors of at least eight members.
- (4) If the property is leased, the benefit of the exemption inures to the user.

(5) The gifts, donations, and grants are used by the organization for grants, fellowships, information services, and educational resources in support of individual artists engaged in the production or performance of musical, dance, artistic, dramatic, or literary works.

**Sec. 2.** RCW 84.36.810 and 2001 c 126 s 3 are each amended to read as follows:

(1)(a) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, section 1 of this act, 84.36.560, and 84.36.570, except as provided in (b) of this subsection, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. If the property has been granted an exemption for more than ten consecutive years, taxes and interest shall not be assessed under this section.

(b) Upon cessation of use by an institution of higher education of property exempt under RCW 84.36.050(2) the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of the exemption, whichever is less.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property loses its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under this chapter;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on leased property that had been exempt under this chapter (~~or RCW 84.36.560~~); or

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt.

(3) Subsections (2)(e) and (f) of this section do not apply to property leased to a state institution of higher education and exempt under RCW 84.36.050(2).

**NEW SECTION. Sec. 3.** This act applies to taxes levied for collection in 2004 and thereafter."

On page 1, line 2 of the title, after "artists;" strike the remainder of the title and insert "amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2001 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Murray spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2001 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2001, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn,

Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

HOUSE BILL NO. 2001, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2186, with the following amendment:

On page 2, after line 6, insert the following:

"**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, on line 4 of the title, strike "and adding a new section to chapter 41.40 RCW" and insert "adding a new section to chapter 41.40 RCW; and declaring an emergency"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2186 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2186 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2186, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.



HOUSE BILL NO. 2186, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 2003

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1380 and asks the House to concur, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1380 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1380 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1380, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

SUBSTITUTE HOUSE BILL NO. 1380, as amended by the Senate, having received the constitutional majority, was declared passed.

### **HOUSE AMENDMENTS TO SENATE BILL**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5474 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position regarding House amendment to SUBSTITUTE SENATE BILL NO. 5474 and again asked the Senate to concur therein.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 2003

Mr. Speaker:

The Senate concurs in the House amendment to ENGROSSED SENATE BILL NO. 5073 on page 5, line 23; and the Senate refuses to concur in the House amendment to the bill on page 2, lines 25 and 29, and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 5073 was returned to Second Reading for purpose of amendment.

## **SECOND READING**

**ENGROSSED SENATE BILL NO. 5073, By Senators Fraser, Honeyford, Hale and Kohl-Welles**

### **Adopting provisions for cooperative watershed management plans.**

Representative Rockefeller moved the adoption of the following amendment (497):

On page 2, line 31, after "act" insert "or to water-related revenues of a public utility district organized according to Title 54 RCW"

On page 5, line 23, after "activity." insert "The revenue proposal shall include provisions to ensure that persons or parcels within the watershed plan area will not be taxed or assessed by more than one public agency for a specific watershed management plan project, program, or activity."

Representative Rockefeller spoke in favor of adoption of the amendment.

There being no objection, the House deferred action on ENGROSSED SENATE BILL NO. 5073, and the bill held its place on the Second Reading calendar.

**HOUSE BILL NO. 1693, By Representatives Cody, Skinner, Clibborn and Morrell; by request of Department of Social and Health Services**

### **Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1693 was substituted for House Bill No. 1693 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1693 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1693.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1693 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Grant, Kessler, McDonald, McIntire, Pflug and Sullivan - 7.

SUBSTITUTE HOUSE BILL NO. 1693, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2192, By Representatives Cody and Clements**

**Taxing parimutuel machines.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2192 was substituted for House Bill No. 2192 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2192 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Cairnes spoke in favor of passage of the bill.

Representative Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2192.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2192 and the bill passed the House by the following vote: Yeas - 84, Nays - 8, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Lantz, Linville, Lovick, Mastin, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 84.

Voting nay: Representatives Bush, Cox, Ericksen, Kirby, Kristiansen, McCoy, Schoesler and Wood - 8.

Excused: Representatives Edwards, Kessler, McDonald, McIntire, Pflug and Sullivan - 6.

SUBSTITUTE HOUSE BILL NO. 2192, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2238, By Representative Quall**

**Eliminating the communication portion of the WASL.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2238.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2238 and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Hunt and Simpson - 2.

Excused: Representatives Edwards, Kessler, McDonald, McIntire, Pflug and Sullivan - 6.

HOUSE BILL NO. 2238, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2257, By Representatives Sommers, Fromhold and Moeller**

**Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2257 was substituted for House Bill No. 2257 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2257 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2257.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2257 and the bill passed the House by the following vote: Yeas - 87, Nays - 5, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon,

O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Conway, Eickmeyer, Kirby, Lovick and Simpson - 5.

Excused: Representatives Edwards, Kessler, McDonald, McIntire, Pflug and Sullivan - 6.

SUBSTITUTE HOUSE BILL NO. 2257, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon; by request of Lieutenant Governor)**

**Creating the legislative international trade account.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 99<sup>th</sup> Day, April 21, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Veloria and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 8, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Armstrong, Bailey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Anderson, Benson, Berkey, Bush, Conway, Nixon and Ruderman - 8.

Excused: Representatives Edwards, Kessler, McDonald, McIntire, Pflug and Sullivan - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5363, By Senators Hale, T. Sheldon, Fairley, Prentice, Doumit, West, Winsley, Rasmussen and Schmidt; by request of Governor Locke**

**Providing an ongoing funding source for the community economic revitalization board's financial assistance programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Veloria spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5363.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5363 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Kessler, McDonald, McIntire and Pflug - 5.

SENATE BILL NO. 5363, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Hatfield to preside.

### **REPORTS OF STANDING COMMITTEES**

April 23, 2003

HB 2259 Prime Sponsor, Representative Sommers: Revising provisions relating to compulsory school attendance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Pflug; Sump and Talcott.

April 23, 2003

HB 2262 Prime Sponsor, Representative Cody: Revising license and certificate fees for emergency medical services and personnel. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Pflug and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; DeBolt; McDonald; Schual-Berke; Sump and Talcott.

April 23, 2003

ESSB 5990 Prime Sponsor, Senate Committee On Children & Family Services & Corrections:  
Changing times and supervision standards for release of offenders. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); and

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or

an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of the effective date of this section.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

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

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time((-);

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

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

(7) The governor may pardon any offender;

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

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.



**NEW SECTION. Sec. 2.** A new section is added to chapter 9.94A RCW to read as follows:

The legislature declares that the changes to the maximum percentages of earned release time in this act do not create any expectation that the percentage of earned release time cannot be revised and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest. The legislature retains full control over the right to revise the percentages of earned release time available to offenders at any time. This section applies to persons convicted on or after the effective date of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender into one of at least four risk categories.

(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision:

(a) Whose risk assessment places that offender in one of the two highest risk categories; or

(b) Regardless of the offender's risk category if:

(i) The offender's current conviction is for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(ii) The offender has a prior conviction for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) The conditions of the offender's community custody, community placement, or community supervision include chemical dependency treatment;

(iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670; or

(v) The offender is subject to supervision pursuant to RCW 9.94A.745.

(3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision unless the offender is one for whom supervision is required under subsection (2) of this section.

(4) This section expires July 1, 2010.

**Sec. 4.** RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or  
(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

**Sec. 5.** RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read as follows:

Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710, when a court sentences a person to a term of total confinement to the custody of the department for a violent offense, any crime against persons under RCW 9.94A.411(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2). When the court sentences the offender under this section to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.728 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement or community custody imposed under this section.

**Sec. 6.** RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in section 3 of this act, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

**Sec. 7.** RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read as follows:

(1)(a) Except as provided in section 3 of this act, all offenders sentenced to terms involving community supervision, community restitution, community placement, or community custody~~((, or legal financial obligation))~~ shall be under the supervision of the department and shall follow explicitly the instructions and conditions of the department. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed. The department may only supervise the offender's compliance with payment of legal financial obligations during any period in which the department is authorized to supervise the offender in the community under section 3 of this act.

(b) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(c) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (b) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals.

(d) For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may impose conditions as specified in RCW 9.94A.715.

The conditions authorized under (c) of this subsection may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to RCW 9.94A.710 occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.740 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.737. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or

all of the conditions imposed by the court or the department pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the expiration of the offender's term of community custody as authorized in RCW 9.94A.715 (3) or (5).

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(2) No offender sentenced to terms involving community supervision, community restitution, community custody, or community placement under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and 9.94A.740. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection has the same definition as in RCW 9.41.010.

**Sec. 8.** RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read as follows:

Except as provided in RCW 9.94A.650, on all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

**Sec. 9.** 2002 c 290 s 30 (uncodified) is amended to read as follows:

Section 2 of this act expires ((July 1, 2004)) on the effective date of section 9, chapter..., Laws of 2003 (section 9 of this act).

**Sec. 10.** 2002 c 290 s 31 (uncodified) is amended to read as follows:

Sections 7 through 11 and 14 through 23 of this act take effect ((July 1, 2004, and apply to crimes committed on or after July 1, 2004)) on the effective date of section 9, chapter..., Laws of 2003 (section 9 of this act).

**Sec. 11.** RCW 70.96A.350 and 2002 c 290 s 4 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; and (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) ~~((Savings to the state general fund resulting from implementation of chapter 290, Laws of 2002, as calculated))~~ Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

~~(4)(a) ((The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.~~

~~(b) When the department of corrections submits its biennial budget request to the governor in 2002 and in each even numbered year thereafter, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter 290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002. The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.~~

~~(c))~~ For the fiscal biennium beginning July 1, 2003, ~~((and each fiscal biennium thereafter,))~~ the state treasurer shall transfer ~~((seventy five percent of the amount reported in (b) of this subsection))~~ eight million nine

hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. ((However, the amount transferred to the criminal justice treatment account shall not exceed the limit of eight million two hundred fifty thousand dollars per fiscal year. After the first fiscal year in which the amount to be transferred equals or exceeds eight million two hundred fifty thousand dollars, this limit)) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

~~((d))~~ (b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer ~~((twenty five percent of the amount reported in (b) of this subsection))~~ two million nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)~~((d))~~ (b) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility ~~((receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 and))~~ who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction. ~~((Any excess funds remaining after providing drug and alcohol treatment services to offenders receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 may be expended to provide treatment for offenders confined in a state correctional facility and who are assessed with an addiction or a substance abuse problem that contributed to the crime.~~

~~((e))~~ (c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in ~~((e))~~ (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)~~((e))~~ (c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)~~((e))~~ (c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

**NEW SECTION. Sec. 12.** The Washington state institute for public policy shall study the results of the changes in earned release under section 1 of this act. The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes in this act. The Washington state institute for public policy shall report its findings to the governor and the appropriate committees of the legislature no later than December 1, 2008.

**NEW SECTION. Sec. 13.** The legislature intends to revise and improve the processes for billing and collecting legal financial obligations. The purpose of sections 13 through 27 of this act is to respond to suggestions and requests made by county government officials, and in particular county clerks, to assume the collection of such obligations in cooperation and coordination with the department of corrections and the administrative office for the courts. The legislature undertakes this effort following a collaboration between local officials, the department of corrections, and the administrative office for the courts. The intent of sections 13 through 27 of this act is to promote an increased and more efficient collection of legal financial obligations and, as a result, improve the likelihood that the affected agencies will increase the collections which will provide additional benefits to all parties and, in particular, crime victims whose restitution is dependent upon the collections.

**Sec. 14.** RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the

obligation is completely satisfied, regardless of the statutory maximum for the crime. The department (~~of corrections shall~~) may only supervise the offender's compliance with payment of the legal financial obligations (~~for ten years following the entry of the judgment and sentence, or ten years following the offender's release from total confinement, whichever period ends later~~) during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department (~~is~~) and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the (~~department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department~~) administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department (~~(may)~~) shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk(~~(, or)~~). The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) Nothing in this chapter makes the department, the state, the counties, or any (~~(of its)~~) state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 15.** RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. ~~((If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.))~~ The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under



the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

**Sec. 16.** RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are each reenacted and amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department (~~for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction~~) only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless

extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

**NEW SECTION. Sec. 17.** A new section is added to chapter 9.94A RCW to read as follows:

If an offender with an unsatisfied legal financial obligation is not subject to supervision by the department for a term of community placement, community custody, or community supervision, or has not completed payment of all legal financial obligations included in the sentence at the expiration of his or her term of community placement, community custody, or community supervision, the department shall notify the administrative office of the department of the termination of the offender's supervision and provide information to the administrative office of the courts to enable the county clerk to monitor payment of the remaining obligations. The county clerk is authorized to monitor payment after such notification. The secretary of corrections and the administrator for the courts shall enter into an interagency agreement to facilitate the electronic transfer of information about offenders, unpaid obligations, and payees to carry out the purposes of this section.

**Sec. 18.** RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(5) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of community placement, community custody, or community supervision, the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

**Sec. 19.** RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

**NEW SECTION. Sec. 20.** A new section is added to chapter 36.23 RCW to read as follows:

The Washington association of county officials, in consultation with county clerks, shall determine a funding formula for allocation of moneys to counties for purposes of collecting legal financial obligations, and report this formula to the legislature and the administrative office of the courts by September 1, 2003. The

Washington association of county officials shall report on the amounts of legal financial obligations collected by the county clerks to the appropriate committees of the legislature no later than December 1, 2004, and annually thereafter.

**NEW SECTION. Sec. 21.** A new section is added to chapter 2.56 RCW to read as follows:

By October 1, 2003, and annually thereafter, the administrative office of the courts shall distribute such funds to counties for county clerk collection budgets as are appropriated by the legislature for this purpose, using the funding formula recommended by the Washington association of county officials. The administrative office of the courts shall not deduct any amount for indirect or direct costs, and shall distribute the entire amount appropriated by the legislature to the counties for county clerk collection budgets. The administrative office of the courts shall report on the amounts distributed to counties to the appropriate committees of the legislature no later than December 1, 2003, and annually thereafter.

The administrative office of the courts may expend for the purposes of billing for legal financial obligations, such funds as are appropriated for the legislature for this purpose.

**NEW SECTION. Sec. 22.** A new section is added to chapter 9.94A RCW to read as follows:

Notwithstanding any other provision of state law, monthly payment or starting dates set by the court or the department before or after the effective date of this section shall not be construed as a limitation on the due date or amount of legal financial obligations, which may be immediately collected by civil means. Monthly payments and commencement dates are to be construed to be applicable solely as a limitation upon the deprivation of an offender's liberty for nonpayment.

**Sec. 23.** RCW 4.56.100 and 1997 c 358 s 4 are each amended to read as follows:

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. The clerk has the authority to note the satisfaction of judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or as directed by the court. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him or her may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

(2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section.

~~((3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section.))~~

**NEW SECTION. Sec. 24.** A new section is added to chapter 9.94A RCW to read as follows:

The provisions of sections 13 through 27 of this act apply to all offenders currently, or in the future, subject to sentences with unsatisfied legal financial obligations. The provisions of sections 13 through 27 of this act do not change the amount of any legal financial obligation or the maximum term for which any offender is, or may be, under the jurisdiction of the court for collection of legal financial obligations.

**Sec. 25.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages ~~((or))~~, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, ~~((taxes and legal financial obligations))~~ or otherwise receiving such wages, gratuities, or benefits. The secretary shall develop a formula for the distribution of offender wages ~~((and))~~, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.

~~((d))~~ (e) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii) ~~((e))~~, (b)(ii) ~~((of this subsection))~~, or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4) In the event that the offender worker's wages ~~((e))~~, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((2))~~ (5) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((3))~~ (6) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((4))~~ (7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

~~((5))~~ (8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

**NEW SECTION. Sec. 26.** A new section is added to chapter 51.32 RCW to read as follows:

If the department of labor and industries has received notice that an injured worker entitled to benefits payable under this chapter is in the custody of the department of corrections pursuant to a conviction and sentence, the department shall send all such benefits to the worker in care of the department of corrections, except those benefits payable to a beneficiary as provided in RCW 51.32.040 (3)(c) and (4). Failure of the department to send such benefits to the department of corrections shall not result in liability to any party for either department.

**Sec. 27.** RCW 51.32.040 and 1999 c 185 s 1 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 (~~and~~), 72.09.111, 74.20A.260, and section 26 of this act, no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

**NEW SECTION. Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 29.** (1) Sections 1 through 12, 20, and 28 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

(2) Sections 13 through 19 and 21 through 27 of this act take effect October 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 23, 2003

ESB 5991 Prime Sponsor, Senator Stevens: Changing minimum requirements for the existing secure community transition facility. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.300 and 2001 2nd sp.s. c 12 s 216 are each amended to read as follows:

~~((+))~~ Secure community transition facilities shall meet the following minimum staffing requirements:

~~(1)(a)~~ At any time the census of a facility that accepts its first resident before July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per three residents during normal waking hours and one awake staff per four residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

~~(b)~~ At any time the census of a facility that accepts its first resident on or after July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

~~((b))~~ ~~(2)~~ At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates ~~((a))~~ an equivalent or higher level of skill, experience, and training.

~~((e))~~ ~~(3)~~ Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

~~((d))~~ ~~(4)~~ All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

~~((2))~~ ~~With respect to the facility established pursuant to RCW 71.09.250(1), the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity--)~~

**Sec. 2.** RCW 71.09.020 and 2002 c 68 s 4 and 2002 c 58 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the ~~((facilities))~~ facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a ~~((secure))~~ total confinement facility by the secretary.

**Sec. 3.** RCW 71.09.250 and 2001 2nd sp.s. c 12 s 201 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds in the secure community transition facility shall be limited to twenty-four, consisting of up to fifteen transitional beds ~~((shall be limited to fifteen))~~ and up to nine pretransitional beds. The residents occupying ~~((these))~~ the transitional beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than fifteen residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of the fifteen residents so designated, along with their photographs and physical descriptions, and ~~((#))~~ the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.



(b) For purposes of this subsection, "transitional beds" means beds only for residents (~~(in halfway house status)~~) who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001; and

(b) ~~(In consultation with the joint select committee established in section 225, chapter 12, Laws of 2001 2nd sp. sess.,)~~ Develop and publish policy guidelines for the siting and operation of secure community transition facilities ~~(by October 1, 2001; and~~

~~(c) Provide a status report to the appropriate committees of the legislature by December 1, 2002, on the development of facilities under the incentive program established in RCW 71.09.255. The report shall include a projection of the anticipated number of secure community transition facility beds that will become operational between May 2004 and May 2007. If it appears that an insufficient number of beds will be operational, the department's report shall recommend a progression of methods to facilitate siting in counties and cities including, if necessary, preemption of local land use planning process and other laws).~~

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which ~~((district))~~ distinct political or judicial authority may be exercised.

**Sec. 4.** RCW 71.09.275 and 2001 2nd sp.s. c 12 s 211 are each amended to read as follows:

~~(1) ((By August 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to RCW 71.09.250(1) between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.~~

~~(2))~~ If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in RCW 71.09.250(1) between McNeil Island and the mainland, the ~~((plan))~~ department shall ~~((include at least the following components))~~:

(a) ~~((The))~~ Separate residents ~~((shall be separated))~~ from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) ~~((The))~~ Not transport residents ~~((shall not be transported))~~ during times when children are normally coming to and from the mainland for school.

~~((3))~~ (2) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

~~((4))~~ (3) The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i) regularly participate in employment, education, or social services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons.

**Sec. 5.** RCW 71.09.290 and 2001 2nd sp.s. c 12 s 214 are each amended to read as follows:

The secretary shall establish policy guidelines for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i), which shall include at least the following minimum requirements:

(1) The following criteria must be considered prior to any real property being listed for consideration for the location of or use as a secure community transition facility:

(a) The proximity and response time criteria established under RCW 71.09.285;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and

(e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in RCW 71.09.285.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

~~((rules))~~ (b) The distance from, and number of, risk potential activities and facilities, as measured using the policies adopted under RCW 71.09.285;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components.

(6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

**NEW SECTION. Sec. 6.** A new section is added to chapter 71.09 RCW to read as follows:

The emergency response team for McNeil Island shall plan, coordinate, and respond in the event of an escape from the special commitment center or the secure community transition facility.

**NEW SECTION. Sec. 7.** RCW 71.09.270 (Transition facility--Law enforcement presence) and 2001 2nd sp.s. c 12 s 210 are each repealed.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kessler; Linville; McIntire; Miloscia; Ruderman; Schual-Berke and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; McDonald and Talcott.

April 23, 2003

SSB 6054 Prime Sponsor, Senate Committee On Ways & Means: Clarifying the application of the industrial welfare act to public employers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the enactment of chapter 236, Laws of 1988 amended the definition of employer under the industrial welfare act, chapter 49.12 RCW, to ensure that the family care provisions of that act applied to the state and political subdivisions. The legislature further finds that this amendment of the definition of employer may be interpreted as creating an ambiguity as to whether the other provisions of chapter 49.12 RCW have applied to the state and its political subdivisions. The purpose of this act is to make retroactive, remedial, curative, and technical amendments to clarify the intent of chapter 49.12 RCW and chapter 236, Laws of 1988 and resolve any ambiguity. It is the intent of the legislature to establish that, prior to the effective date of this act, chapter 49.12 RCW and the rules adopted thereunder did not apply to the state or its agencies and political subdivisions except as expressly provided for in RCW 49.12.265 through 49.12.295, 49.12.350 through 49.12.370, 49.12.450, and 49.12.460.

**Sec. 2.** RCW 49.12.005 and 1998 c 334 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) ~~((The term))~~ "Department" means the department of labor and industries.

(2) ~~((The term))~~ "Director" means the director of the department of labor and industries, or the director's designated representative.

(3) ~~((The term))~~ (a) Before the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees ((and)) but does not include the state, any state institution, any state agency, political subdivision of the state, or any municipal corporation or quasi-municipal corporation. However, for the purposes of RCW ((49.12.270)) 49.12.265 through 49.12.295 ((and)), 49.12.350 through 49.12.370, 49.12.450, and 49.12.460 only, "employer" also

includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(b) On and after the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. However, this chapter and the rules adopted thereunder apply to these public employers only to the extent that this chapter and the rules adopted thereunder do not conflict with: (i) Any state statute or rule; and (ii) respect to political subdivisions of the state and any municipal or quasi-municipal corporation, any local resolution, ordinance, or rule adopted under the authority of the local legislative authority before April 1, 2003.

(4) ~~((The term))~~ "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) ~~((The term))~~ "Conditions of labor" ~~((shall))~~ means and includes the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years.

**Sec. 3.** RCW 49.12.187 and 1973 2nd ex.s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment.

Employees of public employers may enter into collective bargaining contracts, labor/management agreements, or other mutually agreed to employment agreements that specifically vary from or supersede, in part or in total, rules adopted under this chapter regarding appropriate rest and meal periods.

**Sec. 4.** RCW 49.12.360 and 1989 1st ex.s. c 11 s 23 are each amended to read as follows:

(1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.

(2) An employer must grant the same leave upon the same terms for men as it does for women.

(3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.

(4) ~~((For purposes of this section, "employer" includes all private and public employers listed in RCW 49.12.005(3)).~~

~~((5))~~ For purposes of this section, "leave" means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.

~~((6))~~ (5) Nothing in this section requires an employer to:

(a) Grant leave equivalent to maternity disability leave; or

(b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

**Sec. 5.** RCW 49.12.460 and 2001 c 173 s 1 are each amended to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means (~~any person~~) an employer who had twenty or more full-time equivalent employees in the previous year.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "employers;" strike the remainder of the title and insert "amending RCW 49.12.005, 49.12.187, 49.12.360, and 49.12.460; creating a new section; and declaring an emergency."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; DeBolt; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Pflug; Ruderman; Schual-Berke; Sump and Talcott.

April 23, 2003

SSB 6073 Prime Sponsor, Senate Committee On Ways & Means: Authorizing the increase of shellfish license fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Cox and DeBolt.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

The Speaker (Representative Hatfield presiding) called upon Representative Lovick to preside.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 9, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1085 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.02.065 and 2001 c 57 s 1 are each amended to read as follows:

(1) Documents, materials, or other information as described in subsection (5) of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.17 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.17.31916 applies only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5)(a) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by ~~((a))~~ (i) the national association of insurance commissioners and its affiliates and subsidiaries, ~~((b))~~ (ii) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or ~~((c))~~ (iii) agencies of this state, is confidential and privileged only if the documents, materials, or information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

(b) Working papers, documents, materials, or information produced by, obtained by, or disclosed to the commissioner or any other person in the course of a financial or market conduct examination are not required to be disclosed by the commissioner unless cited by the commissioner in connection with an agency action. The commissioner shall notify a party that produced documents, materials, or information twenty days before disclosure in connection to an agency action. The notified party may seek injunctive relief to prevent disclosure of any documents, materials, or information it believes is confidential or privileged in a court of competent jurisdiction. A waiver of existing privilege or claim of confidentiality may not occur as a result of a disclosure to the commissioner under this section."

On page 1, line 2 of the title, after "examinations;" strike the remainder of the title and insert "and amending RCW 48.02.065."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1085 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5310 and asks the House to recede therefrom.

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE SENATE BILL NO. 5310 and asked the Senate to concur therein.

**SENATE AMENDMENTS TO HOUSE BILL**

April 10, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.67.020 and 1997 c 447 s 8 are each amended to read as follows:

(1) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits(~~(, with)~~). Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

~~((1))~~ (a) The difference in cost of service and facilities to the various customers;  
~~((2))~~ (b) The location of the various customers within and without the city or town;  
~~((3))~~ (c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;  
~~((4))~~ (d) The different character of the service and facilities furnished various customers;  
~~((5))~~ (e) The quantity and quality of the sewage delivered and the time of its delivery;  
~~((6))~~ (f) The achievement of water conservation goals and the discouragement of wasteful water use practices;

~~((7))~~ (g) Capital contributions made to the system, including but not limited to, assessments;

~~((8))~~ (h) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

~~((9))~~ (i) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

**Sec. 2.** RCW 35.92.020 and 1997 c 447 s 9 are each amended to read as follows:

(1) A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030(~~and~~). A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

~~((1))~~ (a) The difference in cost of service and facilities to customers;  
~~((2))~~ (b) The location of customers within and without the city or town;  
~~((3))~~ (c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;

~~((4))~~ (d) The different character of the service and facilities furnished to customers;  
~~((5))~~ (e) The quantity and quality of the sewage delivered and the time of its delivery;  
~~((6))~~ (f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;

~~((7))~~ (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

~~((8))~~ (h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

**Sec. 3.** RCW 36.89.080 and 1998 c 74 s 1 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

~~((1))~~ (a) Services furnished or to be furnished;

~~((2))~~ (b) Benefits received or to be received;

~~((3))~~ (c) The character and use of land or its water runoff characteristics;

~~((4))~~ (d) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user;

~~((5))~~ (e) Income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons; or

~~((6))~~ (f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for storm water control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.



(3) Rates and charges authorized under this section may not be imposed on lands taxed as forest land under chapter 84.33 RCW or as timber land under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating storm water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

**Sec. 4.** RCW 36.94.140 and 1997 c 447 s 12 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it ~~((and))~~. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

~~((4))~~ (a) The difference in cost of service to the various customers within or without the area;

~~((2))~~ (b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

~~((3))~~ (c) The different character of the service and facilities furnished various customers;

~~((4))~~ (d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

~~((5))~~ (e) Capital contributions made to the system or systems, including, but not limited to, assessments;

~~((6))~~ (f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

~~((7))~~ (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

~~((8))~~ (h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

**Sec. 5.** RCW 57.08.005 and 1999 c 153 s 2 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing

water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or

surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

- (18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;
- (19) To establish street lighting systems under RCW 57.08.060;
- (20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and
- (21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

**Sec. 6.** RCW 57.08.081 and 1999 c 153 s 11 are each amended to read as follows:

(1) Subject to RCW 57.08.005(6), the commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer or drainage service and facilities.

(2) In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. Prior to furnishing services, a district may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by this section.

(3) The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

(4) The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

(5) In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of thirty days.

(6) A district may determine how to apply partial payments on past due accounts.

(7) A district may provide a real property owner or the owner's designee with duplicate bills for service to tenants, or may notify an owner or the owner's designee that a tenant's service account is delinquent. However, if an owner or the owner's designee notifies the district in writing that a property served by the district is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the district shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the district notifies the tenant of the tenant's delinquency or by mail. When a district provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is delinquent, the district shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee. After January 1, 1999, if a district fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection (7), the district shall have no lien against the premises for the tenant's delinquent and unpaid charges.

**Sec. 7.** RCW 84.33.210 and 2001 c 249 s 6 are each amended to read as follows:

(1) Any land that is designated as forest land under this chapter at the earlier of the times the legislative authority of a local government adopts a resolution, ordinance, or legislative act (a) to create a local improvement district, in which the land is included or would have been included but for the designation, or (b) to approve or confirm a final special benefit assessment roll relating to a sanitary or storm sewerage system, domestic water supply or distribution system, or road construction or improvement, which roll would have included the land but for the designation, shall be exempt from special benefit assessments ~~((or))~~, charges in lieu of assessment, or rates and charges for storm water control facilities under RCW 36.89.080 for such purposes as long as that land remains designated as forest land, except as otherwise provided in RCW 84.33.250.

(2) Whenever a local government creates a local improvement district, the levying, collection, and enforcement of assessments shall be in the manner and subject to the same procedures and limitations as are provided under the law concerning the initiation and formation of local improvement districts for the particular local government. Notice of the creation of a local improvement district that includes designated forest land shall be filed with the assessor and the legislative authority of the county in which the land is located. The assessor, upon receiving notice of the creation of a local improvement district, shall send a notice to the owners of the designated forest lands listed on the tax rolls of the applicable treasurer of:

- (a) The creation of the local improvement district;
- (b) The exemption of that land from special benefit assessments;
- (c) The fact that the designated forest land may become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the local improvement district before the confirmation of the final special benefit assessment roll; and
- (d) The potential liability, pursuant to RCW 84.33.220, if the exemption is not waived and the land is subsequently removed from designated forest land status.

(3) When a local government approves and confirms a special benefit assessment roll, from which designated forest land has been exempted under this section, it shall file a notice of this action with the assessor and the legislative authority of the county in which the land is located and with the treasurer of that local government. The notice shall describe the action taken, the type of improvement involved, the land exempted, and the amount of the special benefit assessment that would have been levied against the land if it had not been exempted. The filing of the notice with the assessor and the treasurer of that local government shall constitute constructive notice to a purchaser or encumbrancer of the affected land, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded, that the exempt land is subject to the charges provided in RCW 84.33.220 and 84.33.230, if the land is removed from its designation as forest land.

(4) The owner of the land exempted from special benefit assessments under this section may waive that exemption by filing a notarized document to that effect with the legislative authority of the local government upon receiving notice from said local government concerning the assessment roll hearing and before the local government confirms the final special benefit assessment roll. A copy of that waiver shall be filed by the local government with the assessor, but the failure to file this copy shall not affect the waiver.

(5) Except to the extent provided in RCW 84.33.250, the local government shall have no duty to furnish service from the improvement financed by the special benefit assessment to the exempted land.

**Sec. 8.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

(1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;

(2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;

(4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are contributing to an increase in surface water runoff. The rate or charge imposed under this section shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested;

(5) Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

~~((5))~~ (6) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special

assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW."

On page 1, line 1 of the title, after "charges;" strike the remainder of the title and insert "and amending RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 57.08.005, 57.08.081, 84.33.210, and 86.15.160."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Schoesler and Rockefeller spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2088 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2088, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 2003

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1028 and asks the House to concur, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1028 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1028 as amended by the Senate.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1028, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Senate, having received the constitutional majority, was declared passed.

## **SECOND READING**

The House immediately resumed consideration of ENGROSSED SENATE BILL NO. 5073.

Representatives Rockefeller and Chandler spoke in favor of the adoption of amendment (497).

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rockefeller and Linville spoke in favor of passage of the bill.

Representative Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5073, as amended by the House.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5073, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Berkey, Cairnes, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Bailey, Benson, Blake, Boldt, Buck, Bush, Campbell, Carrell, Condotta, Cox, Crouse, Delvin, Ericksen, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 30.

Excused: Representative McDonald - 1.

ENGROSSED SENATE BILL NO. 5073, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

April 23, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5389 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Benton, Roach and Prentice, and the same is herewith transmitted.  
Milt H. Doumit, Secretary

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 5389 was returned to Second Reading for purpose of amendments.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5389, By Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon**

**Managing clean and sober housing.**

Representative Veloria moved the adoption of the following amendment (499):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:  
(1) For the purpose of this section, "drug and alcohol free housing" requires a rental agreement and means a dwelling in which:  
(a) Each of the dwelling units on the premises is occupied or held for occupancy by at least one tenant who is a recovering alcoholic or drug addict and is participating in a program of recovery;  
(b) The landlord is a nonprofit corporation incorporated under Title 24 RCW, a corporation for profit incorporated under Title 23B RCW, or a housing authority created under chapter 35.82 RCW, and is providing federally assisted housing as defined in chapter 59.28 RCW;  
(c) The landlord provides:  
(i) A drug and alcohol free environment, covering all tenants, employees, staff, agents of the landlord, and guests;  
(ii) An employee who monitors the tenants for compliance with the requirements of (d) of this subsection;  
(iii) Individual and group support for recovery; and  
(iv) Access to a specified program of recovery; and  
(d) The rental agreement is in writing and includes the following provisions:  
(i) The tenant may not use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, either on or off the premises;  
(ii) The tenant may not allow the tenant's guests to use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, on the premises;  
(iii) The tenant must participate in a program of recovery, which specific program is described in the rental agreement;  
(iv) On at least a quarterly basis the tenant must provide written verification from the tenant's program of recovery that the tenant is participating in the program of recovery and the tenant has not used alcohol or illegal drugs;  
(v) The landlord has the right to require the tenant to take a urine analysis test regarding drug or alcohol usage, at the landlord's discretion and expense; and  
(vi) The landlord has the right to terminate the tenant's tenancy by delivering a three-day notice to terminate with one day to comply, if a tenant living in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription.  
(2) For the purpose of this section, "program of recovery" means a verifiable program of counseling and rehabilitation treatment services, including a written plan, to assist recovering alcoholics or drug addicts to recover from their addiction to alcohol or illegal drugs while living in drug and alcohol free housing. A "program of recovery" includes Alcoholics Anonymous, Narcotics Anonymous, and similar programs.



(3) If a tenant living for less than two years in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, the landlord may deliver a written notice to the tenant terminating the tenancy for cause as provided in this subsection. The notice must specify the acts constituting the drug or alcohol violation and must state that the rental agreement terminates in not less than three days after delivery of the notice, at a specified date and time. The notice must also state that the tenant can cure the drug or alcohol violation by a change in conduct or otherwise within one day after delivery of the notice. If the tenant cures the violation within the one-day period, the rental agreement does not terminate. If the tenant does not cure the violation within the one-day period, the rental agreement terminates as provided in the notice. If substantially the same act that constituted a prior drug or alcohol violation of which notice was given reoccurs within six months, the landlord may terminate the rental agreement upon at least three days' written notice specifying the violation and the date and time of termination of the rental agreement. The tenant does not have a right to cure this subsequent violation.

(4) Notwithstanding subsections (1), (2), and (3) of this section, federally assisted housing that is occupied on other than a transient basis by persons who are required to abstain from possession or use of alcohol or drugs as a condition of occupancy and who pay for the use of the housing on a periodic basis, without regard to whether the payment is characterized as rent, program fees, or other fees, costs, or charges, are covered by this chapter unless the living arrangement is exempt under RCW 59.18.040."

Representative Veloria spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5389, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5389, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

ENGROSSED SENATE BILL NO. 5389, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5545, By Senate Committee on Ways & Means (originally sponsored by Senators Esser, Reardon, Poulsen, Sheahan and Winsley; by request of Department of Health)**

**Using fees to develop and maintain a web-based vital records system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 101<sup>st</sup> Day, April 23, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Alexander and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5545, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5545, as amended by the House, and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Ahern, Boldt, Buck, Bush, Carrell, Chandler, Crouse, Ericksen, Hinkle, Kristiansen, Mastin, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler and Talcott - 20.

Excused: Representative McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5545, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5545.

JOHN E. AHERN, 6<sup>th</sup> District

**ENGROSSED SENATE BILL NO. 5676, By Senators Carlson, Kohl-Welles, Mulliken, Shin and Schmidt; by request of Higher Education Coordinating Board**

**Changing provisions in the educational opportunity grant program. (REVISED FOR ENGROSSED: Regarding higher education financial assistance.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 101<sup>st</sup> Day, April 23, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5676, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5676, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

ENGROSSED SENATE BILL NO. 5676, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rossi, Fairley and Kohl-Welles)**

#### **Increasing certain assessments and penalties imposed by courts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill, was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6023.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023 and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Armstrong, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Condotta, Cox, Crouse, Ericksen, Hinkle, Holmquist, Kirby, Kristiansen, Mastin, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sump and Talcott - 28.

Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 6052, By Senators Johnson and Rossi; by request of Office of Financial Management**

### **Changing alternative route teacher certification provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 101<sup>st</sup> Day, April 23, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fromhold and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6052, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6052, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

SENATE BILL NO. 6052, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 6054, By Senate Committee on Ways & Means (originally sponsored by Senators Rossi and Fairley; by request of Office of Financial Management)**

#### **Clarifying the application of the industrial welfare act to public employers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 102<sup>th</sup> Day, April 24, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

### **MOTION**

On motion of Representative Clements, Representative Ericksen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6054, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6054, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Ericksen and McDonald - 2.

SUBSTITUTE SENATE BILL NO. 6054, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5904, By Senate Committee on Ways & Means (originally sponsored by Senators Deccio, Thibaudeau, Winsley, Franklin, Parlette, Keiser, Brandland, Benton, Carlson, Hale, Johnson, Kline, McAuliffe, McCaslin, Mulliken, Oke, Rasmussen, West, Finkbeiner, Kohl-Welles, Shin, Stevens, Esser, B. Sheldon and Hewitt)**

#### **Concerning prescription drug assistance programs for seniors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

With the consent of the House, amendments (448), (449) and (504) were withdrawn.

Representative Conway moved the adoption of amendment (451) to the committee amendment:

On page 3, line 2, after "agencies" insert ", private entities"

On page 3, line 26, after "voluntary for" insert "private entities and private"

Representative Conway spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pflug spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cody moved the adoption of amendment (495) to the committee amendment:

On page 3, line 2 of the amendment, after "consortium." insert "State purchased health care programs shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of retail pharmacies. The administrator shall not

require that any supplemental rebate offered by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to state purchased health care programs other than medical assistance, or to private individuals participating in the consortium."

On page 3, line 8 of the amendment, strike "used for entities" and insert "the basis for consortium purchasing by and on behalf of state purchased health care programs"

On page 3, line 13 of the amendment, after "(2)" strike "State" and all material through "consortium." on line 21

Representatives Cody and Pflug spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Alexander moved the adoption of amendment (511) to the committee amendment:

On page 3, line 12 of the amendment, after "order" insert

", including prescriptions for mental health drugs"

Representative Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Linville moved the adoption of amendment (508) to the committee amendment:

On page 3, line 12 of the amendment, after "order" insert

", including refills of prescriptions for an antipsychotic or antidepressant drug, in which case the pharmacist shall dispense the nonpreferred drug as written"

Representative Linville, Alexander and Schual-Berke spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Pflug moved the adoption of amendment (509) to the committee amendment:

On page 3, after line 34, insert the following:

"(4) The price discounts available pursuant to this section shall not be at the expense of retail pharmacies."

Representatives Pflug and Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cody moved the adoption of amendment (510) to the committee amendment:

On page 5 of the amendment, after line 17, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

Each of the state's area agencies on aging shall implement a program intended to inform and train persons sixty-five years of age and older in the safe and appropriate use of prescription and nonprescription medications. To further this purpose, the department shall award a development grant of up to twenty-five thousand dollars to each of the agencies upon a showing that:

- (1) The agency has the ability to effectively administer such a program, including an understanding of the relevant issues and appropriate outreach and follow-up;
- (2) The agency can bring resources to the program in addition to those funded by the grant; and
- (3) The program will be a collaborative effort between the agency and other health care programs and providers in the location to be served, including doctors, pharmacists, and long-term care providers."

Renumber the remaining sections accordingly and correct the title.

Representative Cody and Pflug spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Pflug moved the adoption of amendment (502) to the committee amendment:

On page 1, after line 2 of the amendment, strike all material through "act." on page 5, line 25, and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that prescription drugs are an effective and important part of efforts to maintain and improve the health of Washington state residents. However, their increased cost and utilization is straining the resources of many people, particularly low-income elderly people who lack insurance coverage for such drugs. Furthermore, inappropriate use of prescription drugs can result in unnecessary expenditures and lead to serious health consequences. It is therefore the intent of the legislature to develop programs to provide prescription drugs at an affordable price to those in need, and increase public awareness regarding their safe and cost-effective use.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The Washington institute for public policy shall report to the appropriate committees of the legislature by November 15, 2003, on the projected five-year costs, benefits, enrollment levels, and implications for other state-funded medicaid services of a medicaid waiver program that would provide prescription drug benefits to persons aged sixty-five and older who would not otherwise be eligible for medicaid. The department shall actively cooperate and assist the institute in preparation of this report.

(2) The report shall assess at least three alternative benefit designs, involving differing enrollee premium levels, point-of-service cost-sharing arrangements, and deductible levels.

(3) For each alternative benefit design, the institute shall provide five-year estimates of the number of state residents who would be eligible for the program, the number who would seek coverage, and the projected cost of covering all applicants if eligibility for the program were limited to legal residents aged sixty-five and older with incomes at or below: (a) One hundred fifty percent of the federal poverty level; and (b) two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(4) For each alternative benefit design and income eligibility level, the institute shall estimate the type and amount of medicaid expenditures on behalf of senior citizens that would need to be avoided as a result of the medicaid waiver program in order to meet federal budget neutrality requirements; the likelihood of avoiding such expenditures; and an assessment of the impacts upon the state budget and upon enrollment in the medicaid waiver program if the cost avoidance needed to meet federal budget neutrality requirements is not achieved.

(5) The report shall include suggestions about how the medicaid waiver drug benefit should be designed to promote coordination with, and avoid duplication of, drug benefits that may be made available under the federal medicare program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority shall implement a program whereby it negotiates with prescription drug manufacturers for price discounts, comparable to those preferred prices it negotiates for its own purchases, to be available to any Washington resident:

- (a) Whose family income does not exceed two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;
- (b) Who does not otherwise have insurance that provides prescription drug coverage; and

(c) Who is: (i) At least fifty years old; or (ii) between the ages of nineteen and forty-nine and is otherwise eligible for benefits under Title II of the social security act, federal old age, survivors, and disability insurance benefits.

(2) The administrator shall charge participants in this program an annual enrollment fee sufficient to offset the cost of program administration.

(3) The price discounts available pursuant to this section shall not be at the expense of retail pharmacies.

(4) Within one hundred twenty days following the establishment of a pharmacy and therapeutics committee by the administrator for the purpose of evaluating the efficacy of prescription drugs, the drug utilization and education council within the department of social and health services shall be disbanded and its functions transferred to the pharmacy and therapeutics committee.

(5) In administering prescription drug benefits under state purchased health care programs, agencies shall honor an endorsing prescriber's direction to dispense a prescription drug as written on the prescription order.

(6) The preferred drug list shall exclude drugs used to treat mental illness, cancer, the acquired human immunodeficiency virus, and diabetes.

(7) The administrator shall not impose requirements for prior approval based on a preferred drug list for a biologic product as defined in section 351 of the Public Health Services Act; 42 U.S.C. 262.

(8) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the social security act, or by June 30, 2009.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

The consolidated prescription drug purchasing account is created in the custody of the state treasurer.

All receipts under section 3(2) of this act from the fees from the price discount program created in section 3 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of section 3 of this act. Only the administrator or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall establish and advertise a pharmacy connection program through which health care providers and members of the public can obtain information about manufacturer-sponsored prescription drug assistance programs. The administrator shall ensure that the program has staff available who can assist persons in procuring free or discounted medications from manufacturer-sponsored prescription drug assistance programs by:

(a) Determining whether an assistance program is offered for the needed drug or drugs;

(b) Evaluating the likelihood of a person obtaining drugs from an assistance program under the guidelines formulated;

(c) Assisting persons with the application and enrollment in an assistance program;

(d) Coordinating and assisting physicians and others authorized to prescribe medications with communications, including applications, made on behalf of a person to a participating manufacturer to obtain approval of the person in an assistance program; and

(e) Working with participating manufacturers to simplify the system whereby eligible persons access drug assistance programs, including development of a single application form and uniform enrollment process.

(2) Notice regarding the pharmacy connection program shall initially target senior citizens, but the program shall be available to anyone, and shall include a toll-free telephone number, available during regular business hours, that may be used to obtain information.

(3) The administrator may apply for and accept grants or gifts and may enter into interagency agreements or contracts with other state agencies or private organizations to assist with the implementation of this program including, but not limited to, contracts, gifts, or grants from pharmaceutical manufacturers to assist with the direct costs of the program.

(4) The administrator shall notify pharmaceutical companies doing business in Washington of the pharmacy connection program. Any pharmaceutical company that does business in this state and that offers a pharmaceutical assistance program shall notify the administrator of the existence of the program, the drugs covered by the program, and all information necessary to apply for assistance under the program.

(5) For purposes of this section, "manufacturer-sponsored prescription drug assistance program" means a program offered by a pharmaceutical company through which the company provides a drug or drugs to eligible persons at no charge or at a reduced cost. The term does not include the provision of a drug as part of a clinical trial.

**NEW SECTION. Sec. 6** A new section is added to chapter 74.09 RCW to read as follows:

Each of the state's area agencies on aging shall implement a program intended to inform and train persons sixty-five years and older in the safe and appropriate use of prescription and nonprescription medications. To further this purpose, the department shall award a development grant of up to twenty-five thousand dollars to each of the agencies upon a showing that:



- (1) The agency has the ability to effectively administer such a program, including an understanding of the relevant issues and appropriate outreach and follow-up;
- (2) The agency can bring resources to the program in addition to those funded by the grant; and
- (3) The program will be a collaborative effort between the agency and other health care providers and programs in the location to be served, including doctors, pharmacists, and long-term care providers.

**NEW SECTION. Sec. 7.** A new section is added to chapter 41.05 RCW to read as follows:  
The authority may adopt rules to implement this act.

**NEW SECTION. Sec. 8.** By January 1, 2005, the administrator of the health care authority and the director of the department of social and health services shall submit to the governor and the legislature a progress report regarding the implementation of the programs created in this act.

Representative Pflug spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody poke against the adoption of the amendment to the committee amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (502) the committee amendment to Engrossed Substitute Senate Bill No. 5904.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (502) to the committee amendment to Engrossed Substitute Senate Bill No. 5904, and the amendment was not adopted by the following vote:  
Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 40.

Voting nay: Representatives Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 56.

Excused: Representatives Ericksen and McDonald - 2.

The question before the House was the adoption of the committee amendment as amended.

Representative Cody spoke in favor of the adoption of the committee amendment as amended.

Representative Pflug spoke against the adoption of the committee amendment as amended.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of the committee amendment as amended to Engrossed Substitute Senate Bill No. 5904.

### **ROLL CALL**

The Clerk called the roll on the adoption of the committee amendment as amended to Engrossed Substitute Senate Bill No. 5904, and the amendment was adopted by the following vote:  
Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pflug, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump and Talcott - 35.

Excused: Representatives Ericksen and McDonald - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cody and Schual-Berke spoke in favor of passage of the bill.

Representative Pflug spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5904, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5904, as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pflug, Schindler, Schoesler, Sehlin, Skinner, Sump and Talcott - 33.

Excused: Representatives Ericksen and McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5904, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5891, By Senate Committee on Agriculture (originally sponsored by Senators Swecker and Rasmussen)**

#### **Identifying livestock.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Schoesler and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5891.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5891, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Carlson)**

#### **Providing additional sentencing alternatives for juvenile offenders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

Representative Alexander moved the adoption of amendment (440) to the committee amendment:

On page 1, after line 2 of the amendment, insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 72.05 RCW to read as follows:

(1) It is the intent of the legislature that appropriate treatment services be provided to juvenile offenders in order to achieve rehabilitation. The treatment should be provided at either local detention facilities or at state institutions depending upon which facility best meets the needs of the individual juvenile offender. The legislature recognizes that a consequence of the treatment alternatives established under this act is a reduction in the juvenile rehabilitation administration's institutional population. As a result of a decrease in institutional population it may become necessary to consolidate institutional facilities or services.

(2) No juvenile rehabilitation administration institution shall be closed without specific authorization in an act of the legislature.

(3) If a juvenile rehabilitation administration institution is closed by the legislature, the department of corrections shall be prohibited from operating the institution and the institution shall not be used to incarcerate adult offenders."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Alexander, Eickmeyer and DeBolt spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative McMahan moved the adoption of amendment (505) to the committee amendment.

On page 20, after line 31 of the amendment, insert the following:  
"NEW SECTION. Sec 7. A new section is added to chapter 13.40 RCW to read as follows:  
Notwithstanding any other provision of law, a school district may decline to admit a student who has been classified by the Department of Social and Health Services as a level 2 or level 3 sex offender."

Renumber the remaining section accordingly.

Representatives McMahan, Talcott, Pearson, Ahern, Woods and Sump spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Eickmeyer, Dickerson and Lantz spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The question before the House was the adoption of the committee amendment as amended.

The committee amendment as amended was adopted.

Amendment (507) was out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Dickerson and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5903, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5903, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Blake, Hatfield, Holmquist and Sump - 4.

Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 5903.

RICHARD DEBOLT, 20<sup>th</sup> District

**ENGROSSED SENATE BILL NO. 5991, By Senators Stevens, Hargrove, Parlette, Regala, Carlson, McAuliffe and Winsley**

**Changing minimum requirements for the existing secure community transition facility.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 102<sup>nd</sup> Day, April 24, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi, O'Brien and Sommers spoke in favor of passage of the bill.

Representative Campbell, Carrell, Bush, Conway, McMahan, Mielke and Kirby spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5991, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5991, as amended by the House, and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Bailey, Benson, Berkey, Blake, Chase, Clements, Clibborn, Cody, Cooper, Cox, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Moeller, Morris, Murray, O'Brien, Pearson, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Veloria, Wallace, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Anderson, Armstrong, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Condotta, Conway, Crouse, Darneille, Delvin, Edwards, Hinkle, Holmquist, Kirby, Mastin, McMahan, Mielke, Miloscia, Morrell, Newhouse, Nixon, Orcutt, Pflug, Priest, Roach, Schindler, Shabro, Sump, Talcott, Tom, Upthegrove and Woods - 37.

Excused: Representative McDonald - 1.

ENGROSSED SENATE BILL NO. 5991, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6057, By Senators Parlette and Rossi; by request of Office of Financial Management**

**Revising basic health care plan enrollment provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6057.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6057 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood and Woods - 92.

Voting nay: Representatives Cooper, McDermott, Simpson, Veloria and Mr. Speaker - 5.  
Excused: Representative McDonald - 1.

SENATE BILL NO. 6057, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6057.

MARALYN CHASE, 32<sup>nd</sup> District

**SUBSTITUTE SENATE BILL NO. 6073, By Senate Committee on Ways & Means  
(originally sponsored by Senators Hargrove, Rossi and Doumit)**

**Authorizing the increase of shellfish license fees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6073.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6073 and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Armstrong, Benson, Carrell, Condotta, Crouse, DeBolt, Ericksen, Holmquist, Kristiansen, Mastin, Mielke, Nixon, Orcutt, Pflug, Roach, Schindler and Woods - 18.

Excused: Representative McDonald - 1.

SUBSTITUTE SENATE BILL NO. 6073, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens, McAuliffe, Carlson, Regala, Parlette, Rasmussen and Winsley)**

**Changing times and supervision standards for release of offenders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment, see Journal, 102<sup>nd</sup> Day, April 24, 2003.)

Representative Carrell moved the adoption of amendment (501 ) to the committee amendment:

On page 7, line 17 of the amendment, after "section." insert:  
"(4) at a minimum, the department shall supervise an offender required to be supervised under subsection (2) of this section in the same manner in which the department supervises offenders classified in the third highest risk category. Nothing in this subsection prohibits the department from supervising such an offender in the same manner in which the department supervises offenders classified in the second highest or highest risk category."

Renumber the remaining subsection consecutively.

Representative Carrell spoke in favor of the adoption of the amendment to the committee amendment.

Representative O'Brien spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives O'Brien, Kagi and Sehlin spoke in favor of passage of the bill.

Representative Carrell and Mielke spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5990, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson,

Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Boldt, Cairnes, Campbell, Carrell, Conway, Kirby, McMahan, Mielke, Orcutt, Schindler, Schoesler and Talcott - 13.

Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, as amended by the House, having received the necessary constitutional majority, was declared passed.

## RESOLUTIONS

### HOUSE RESOLUTION NO. 2003-4660, By Representatives Schoesler and Cox

WHEREAS, The mighty Lind-Ritzville Lady Broncos basketball team defeated the St. George's Lady Dragons to win the State B Girls Basketball Championship; and

WHEREAS, The Lind-Ritzville Lady Broncos basketball team overcame the St. George's Lady Dragons with dazzling speed and skill and triumphed with a 58-55 hard-fought win; and

WHEREAS, Led by Coaches Randy Heidenreich and Lori Olson, the Lind-Ritzville Lady Broncos basketball team closed out their season with an amazing perfect record of 28 wins and 0 losses; and

WHEREAS, Team members Mikaela Schmunk, Destry Killian, Jessica Heidenreich, Lisa Sackmann, Tiffany Starring, Crystal Zicha, Heather Whitman, Brittney Kubik, Danielle Lynch, Michaela Jezdikova, Vanessa Bailey, and Liz Biermann provided the ability, teamwork, discipline, and attitude that made them true champions; and

WHEREAS, Coach Heidenreich recognized the outstanding year enjoyed by the Lind-Ritzville Lady Broncos basketball team and all the team's supporters by saying, "What a great basketball game! The caliber of play by both teams was excellent. Our girls deserve this. It's been a special year. Winning the championship is incredible, but going undefeated adds to it."; and

WHEREAS, Managers Marcy Heidenreich, Chelsey Heidenreich, Brooke Pichette, Jillian Pflugrath, Krista Heide, and Sierra Langenheder provided much needed assistance to the coaches and team members; and

WHEREAS, Cheerleaders Kelsey Gardner, Natalie Greenwalt, Kayla Katsel, Ana Maier, Tiffanie Smith, and Samantha Strohmaier provided much needed enthusiasm and school spirit for the team members and fans; and

WHEREAS, The whole Lind-Ritzville communities, students, faculty, and families helped contribute to the success of the Lind-Ritzville Lady Broncos basketball team by giving their whole-hearted support to the team members and coaches and cheering them on to victory; and

WHEREAS, Lind-Ritzville communities are tremendously proud of their Lady Broncos and join together in congratulating them on their winning season and state championship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington applaud the Lind-Ritzville Lady Broncos for their wonderful victory in the State B Girls Basketball Championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the State B Girls Basketball Championship coaches, team members, and the school administrators.

HOUSE RESOLUTION NO. 4660 was adopted.

HOUSE RESOLUTION NO. 2003-4661, by Representatives Kenney, Fromhold, Cox, Berkey, Chase, McCoy, Jarrett, Gombosky, Morrell, Lantz, Priest, Buck, Clements, Boldt, Condotta, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chopp, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kessler, Kirby, Kristiansen, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Quall, Roach, Rockefeller, Romero,



Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

WHEREAS, The students selected for special recognition as Washington Scholars in 2003 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Washington Scholars selected in 2003.

HOUSE RESOLUTION NO. 4661 was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

April 17, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on:

(a) The review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

(i) In the content areas of reading, writing, math, and science by November 1, 2004;

(ii) In the content area of social studies by November 1, 2005;

(iii) In the content area of the arts by November 1, 2006; and

(iv) In the content area of health and fitness by November 1, 2007; and

(b) Subject to available funding, the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for fourth and seventh grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments.

(2) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered. Subject to available funding, beginning no later than 2006, the results of the math component of the spring administration of the high school Washington assessment of student learning shall be available to students, parents, and schools before June 1st of each year.

(3) By November 30, 2006, subject to available funding, the academic achievement and accountability commission shall report to the governor, the superintendent of public instruction, the state board of education, and the house of representatives and senate education committees on the results of its review of the student performance scores needed to meet all grade level content standards on the Washington assessment of student learning. In its report, the commission shall include a schedule for the regular review and adjustment of the student performance scores. If the commission makes any change or adjustment to the student performance standards, then the changes shall not be implemented until after the conclusion of the subsequent legislative session, providing an opportunity for the legislature to take action if any action is deemed warranted by the legislature.

**Sec. 2.** RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content areas of reading, writing, mathematics, and science shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

	<u>Assessments available for voluntary use (School years)</u>	<u>Assessments required to be administered (School years)</u>
<u>Reading, Writing, Mathematics</u>		
<u>- Elementary school</u>	<u>1996-97</u>	<u>1997-98</u>
<u>- Middle school</u>	<u>1997-98</u>	<u>2000-01</u>

- High school                      1998-99                      2000-01

**Science**

- High school                      2002-03                      2003-04

- Middle school                      2002-03                      2003-04

- Elementary school                      2003-04                      2004-05

(c) By the 2005-06 school year, the superintendent of public instruction shall develop high school level assessments for the content area of social studies. The assessments shall be designed to be classroom or project-based so that they can be administered by school staff and scored at the school level. Once the assessments are developed school districts shall administer the social studies assessments and shall report the student scores to the superintendent of public instruction.

(d)The superintendent of public instruction shall post on the website of the office of the superintendent model classroom-based assessments for the content areas of arts, and health and fitness that may be used by school districts. If a school district uses any of the models on the website, the district shall report such use to the office of the superintendent of public instruction.

(6) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) In order to assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.655 RCW to read as follows:  
Successful completion of the high school assessment developed under RCW 28A.655.070 and administered statewide shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation.

**NEW SECTION. Sec. 4.** RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system--Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and repealing RCW 28A.655.060."

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 and asked the Senate to recede therefrom.

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5448, By Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Mulliken, Horn, Brown and Schmidt; by request of Governor Locke)**

### **Changing tuition provisions for institutions of higher education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was not adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

With the consent of the House, Rule 13(c) was suspended.

Representatives Kenney, Jarrett, Morris, Anderson, McIntire, O'Brien, Mastin and Ruderman spoke in favor of passage of the bill.

Representative Eickmeyer, Simpson, Upthegrove, Orcutt, Hudgins and Conway spoke against the passage of the bill.

Representative Delvin demanded the previous question.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5448.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5448 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Cairnes, Carrell, Chandler, Clibborn, Cody, Condotta, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hinkle, Hunt, Hunter, Jarrett, Kenney, Kessler, Kristiansen, Lantz, Lovick, Mastin, McIntire, McMahan, McMorris, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pflug, Priest, Rockefeller, Ruderman, Santos, Schindler, Sehlin, Shabro, Sommers, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Armstrong, Benson, Blake, Boldt, Buck, Bush, Campbell, Chase, Clements, Conway, Cooper, Cox, Darneille, Eickmeyer, Hatfield, Holmquist, Hudgins, Kagi, Kirby, Linville, McCoy, McDermott, Mielke, Miloscia, Orcutt, Pettigrew, Quall, Roach, Romero, Schoesler, Schual-Berke, Simpson, Skinner, Sullivan, Upthegrove and Voloria - 37.

Excused: Representative McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5448, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5783, By Senators Finkbeiner and Regala; by request of Department of Revenue**

### **Implementing the streamlined sales and use tax agreement.**

The bill was read the second time.

Representative Gombosky moved the adoption of amendment (503):

On page 48, line 19, strike "301 through 305,"

On page 48, line 20, after "2004." insert "Sections 301 through 305 of this act take effect January 1, 2004."

Correct the title.

Representatives Gombosky and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Gombosky, McIntire and Cairnes spoke in favor of passage of the bill.

Representative Bush spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5783 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5783, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Cairnes, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Benson, Bush, Campbell, Carrell, Condotta, Crouse, Holmquist, Kirby, Mastin, Mielke, Roach, Schindler and Talcott - 14.

Excused: Representative McDonald - 1.

SENATE BILL NO. 5783, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SENATE BILL NO. 5783.

ROGER BUSH, 2<sup>nd</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SENATE BILL NO. 5783.

MIKE CARRELL, 28<sup>th</sup> District

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

There being no objection, the House adjourned until 10:00 a.m., April 25, 2003, the 103<sup>rd</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ONE HUNDRED SECOND DAY, APRIL 24, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

---

**ONE HUNDRED THIRD DAY**

---

House Chamber, Olympia, Friday, April 25, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Thomas and Lindsey Habersetzer. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Ed Orcutt.

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

#### **INTRODUCTION & FIRST READING**

HB 2276 by Representatives Upthegrove, Schual-Berke, Sommers, Sullivan, Veloria, Hudgins, Romero, Chase, Dunshee, McIntire, McDermott, Hunt, Santos, Cody, Simpson, O'Brien, Kenney, Dickerson, Quall and Haigh

AN ACT Relating to establishing aviation mitigation zones for large regional airports; adding a new section to chapter 36.70A RCW; adding a new section to chapter 84.08 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 43.79 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

HB 2277 by Representatives Newhouse, Moeller and McMahan

AN ACT Relating to replevin; amending RCW 7.64.020, 7.64.035, and 7.64.045; and prescribing penalties.

Referred to Committee on Judiciary.

HJM 4028 by Representatives Schual-Berke, Ruderman, Kagi, Dickerson, Kenney, McDermott, Darneille, Pettigrew, Miloscia, Haigh, Chase, Edwards, Morrell, Conway, Clibborn, Fromhold and O'Brien

Requesting that funds be promptly disbursed to Holocaust survivors.

Referred to Committee on Financial Institutions & Insurance.

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

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,  
SECOND SUBSTITUTE HOUSE BILL NO. 1003,  
SUBSTITUTE HOUSE BILL NO. 1028,  
ENGROSSED HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1061,  
SUBSTITUTE HOUSE BILL NO. 1081,  
HOUSE BILL NO. 1083,  
ENGROSSED HOUSE BILL NO. 1090,  
HOUSE BILL NO. 1108,  
HOUSE BILL NO. 1114,  
HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1153,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1170,  
SUBSTITUTE HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1179,  
HOUSE BILL NO. 1200,  
HOUSE BILL NO. 1206,  
SUBSTITUTE HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1213,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,  
SUBSTITUTE HOUSE BILL NO. 1219,  
SUBSTITUTE HOUSE BILL NO. 1222,  
HOUSE BILL NO. 1226,  
SUBSTITUTE HOUSE BILL NO. 1232,  
SECOND SUBSTITUTE HOUSE BILL NO. 1240,  
ENGROSSED HOUSE BILL NO. 1252,  
SUBSTITUTE HOUSE BILL NO. 1275,  
SUBSTITUTE HOUSE BILL NO. 1278,  
SUBSTITUTE HOUSE BILL NO. 1291,  
HOUSE BILL NO. 1294,  
HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,  
HOUSE BILL NO. 1350,  
HOUSE BILL NO. 1351,  
HOUSE BILL NO. 1356,  
HOUSE BILL NO. 1361,  
SUBSTITUTE HOUSE BILL NO. 1380,  
ENGROSSED HOUSE BILL NO. 1388,  
ENGROSSED HOUSE BILL NO. 1395,  
ENGROSSED HOUSE BILL NO. 1427,  
SUBSTITUTE HOUSE BILL NO. 1442,  
HOUSE BILL NO. 1444,

SUBSTITUTE HOUSE BILL NO. 1455,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1470,  
HOUSE BILL NO. 1473,  
SUBSTITUTE HOUSE BILL NO. 1494,  
SUBSTITUTE HOUSE BILL NO. 1495,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,  
HOUSE BILL NO. 1576,  
HOUSE BILL NO. 1612,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1634,  
HOUSE BILL NO. 1654,  
SUBSTITUTE HOUSE BILL NO. 1655,  
SUBSTITUTE HOUSE BILL NO. 1675,  
SUBSTITUTE HOUSE BILL NO. 1694,  
SUBSTITUTE HOUSE BILL NO. 1707,  
SUBSTITUTE HOUSE BILL NO. 1721,  
SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
HOUSE BILL NO. 1727,  
SUBSTITUTE HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,  
SUBSTITUTE HOUSE BILL NO. 1755,  
SECOND SUBSTITUTE HOUSE BILL NO. 1784,  
SUBSTITUTE HOUSE BILL NO. 1785,  
HOUSE BILL NO. 1786,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
HOUSE BILL NO. 1815,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1837,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,  
SUBSTITUTE HOUSE BILL NO. 1849,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,  
HOUSE BILL NO. 1858,  
SUBSTITUTE HOUSE BILL NO. 1943,  
HOUSE BILL NO. 1954,  
HOUSE BILL NO. 1972,  
HOUSE BILL NO. 1980,  
HOUSE BILL NO. 2001,  
SUBSTITUTE HOUSE BILL NO. 2033,  
SUBSTITUTE HOUSE BILL NO. 2038,  
SUBSTITUTE HOUSE BILL NO. 2040,  
ENGROSSED HOUSE BILL NO. 2067,  
HOUSE BILL NO. 2073,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088,  
SUBSTITUTE HOUSE BILL NO. 2094,  
HOUSE BILL NO. 2113,  
SUBSTITUTE HOUSE BILL NO. 2118,  
SUBSTITUTE HOUSE BILL NO. 2132,  
ENGROSSED HOUSE BILL NO. 2146,  
HOUSE BILL NO. 2183,  
HOUSE BILL NO. 2186,  
SUBSTITUTE HOUSE BILL NO. 2196,  
HOUSE BILL NO. 2223,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4012,



HOUSE JOINT RESOLUTION NO. 4206,  
SUBSTITUTE SENATE BILL NO. 5006,  
SENATE BILL NO. 5011,  
ENGROSSED SENATE BILL NO. 5014,  
SENATE BILL NO. 5042,  
SENATE BILL NO. 5049,  
SUBSTITUTE SENATE BILL NO. 5051,  
SUBSTITUTE SENATE BILL NO. 5062,  
SENATE BILL NO. 5065,  
SECOND SUBSTITUTE SENATE BILL NO. 5074,  
SENATE BILL NO. 5094,  
SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5133,  
SENATE BILL NO. 5134,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,  
SUBSTITUTE SENATE BILL NO. 5144,  
SENATE BILL NO. 5156,  
SENATE BILL NO. 5176,  
SUBSTITUTE SENATE BILL NO. 5189,  
SUBSTITUTE SENATE BILL NO. 5204,  
ENGROSSED SENATE BILL NO. 5210,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5218,  
SUBSTITUTE SENATE BILL NO. 5221,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,  
SUBSTITUTE SENATE BILL NO. 5226,  
SUBSTITUTE SENATE BILL NO. 5236,  
SUBSTITUTE SENATE BILL NO. 5237,  
ENGROSSED SENATE BILL NO. 5245,  
SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SENATE BILL NO. 5256,  
SUBSTITUTE SENATE BILL NO. 5274,  
SENATE BILL NO. 5284,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5305,  
SUBSTITUTE SENATE BILL NO. 5327,  
SUBSTITUTE SENATE BILL NO. 5335,  
ENGROSSED SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 5358,  
ENGROSSED SENATE BILL NO. 5379,  
SUBSTITUTE SENATE BILL NO. 5396,  
SUBSTITUTE SENATE BILL NO. 5407,  
SUBSTITUTE SENATE BILL NO. 5409,  
SENATE BILL NO. 5410,  
SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5434,  
SUBSTITUTE SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5473,  
SENATE BILL NO. 5477,  
SENATE BILL NO. 5507,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5512,  
SENATE BILL NO. 5515,  
SUBSTITUTE SENATE BILL NO. 5575,  
SUBSTITUTE SENATE BILL NO. 5579,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,

SUBSTITUTE SENATE BILL NO. 5592,  
SUBSTITUTE SENATE BILL NO. 5596,  
SUBSTITUTE SENATE BILL NO. 5600,  
SUBSTITUTE SENATE BILL NO. 5601,  
SUBSTITUTE SENATE BILL NO. 5602,  
SUBSTITUTE SENATE BILL NO. 5616,  
SUBSTITUTE SENATE BILL NO. 5641,  
SENATE BILL NO. 5654,  
SENATE BILL NO. 5662,  
SECOND SUBSTITUTE SENATE BILL NO. 5694,  
SENATE BILL NO. 5705,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,  
SUBSTITUTE SENATE BILL NO. 5716,  
SENATE BILL NO. 5726,  
SUBSTITUTE SENATE BILL NO. 5737,  
SUBSTITUTE SENATE BILL NO. 5749,  
SUBSTITUTE SENATE BILL NO. 5751,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5786,  
SUBSTITUTE SENATE BILL NO. 5787,  
SUBSTITUTE SENATE BILL NO. 5811,  
SUBSTITUTE SENATE BILL NO. 5824,  
SUBSTITUTE SENATE BILL NO. 5829,  
SENATE BILL NO. 5865,  
SUBSTITUTE SENATE BILL NO. 5868,  
SECOND SUBSTITUTE SENATE BILL NO. 5890,  
SENATE BILL NO. 5893,  
SENATE BILL NO. 5898,  
SUBSTITUTE SENATE BILL NO. 5912,  
SUBSTITUTE SENATE BILL NO. 5933,  
SENATE BILL NO. 5935,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,  
SENATE BILL NO. 5959,  
SENATE BILL NO. 5970,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,  
SUBSTITUTE SENATE BILL NO. 5995,  
SUBSTITUTE SENATE BILL NO. 5996,  
SENATE JOINT MEMORIAL NO. 8000,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,  
SENATE JOINT MEMORIAL NO. 8003,  
SENATE JOINT MEMORIAL NO. 8012,  
SENATE JOINT MEMORIAL NO. 8015,

The Speaker called upon Representative Lovick to preside.

**MESSAGE FROM THE SENATE**

April 25, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5363,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5891,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

## RESOLUTION

### HOUSE RESOLUTION NO.2003-4662, by Representatives Chase, Santos and McCoy

WHEREAS, The Wenatchi Tribe was one of the four tribes led by Chief Moses to the Colville Reservation; and

WHEREAS, The Wenatchis were party to the 1855 Walla Walla Treaty which guaranteed the tribe fishing, hunting, and gathering rights; and

WHEREAS, Article 10 of the 1855 Treaty authorized a reservation of approximately 20,000 acres for the Wenatchis near the mouth of the Icicle River; and

WHEREAS, The United States Senate ratified the treaty on March 8, 1859; and

WHEREAS, Today the Wenatchi Tribe is one of the twelve aboriginal tribes of the Colville Confederated Tribes on the Colville Indian Reservation located in the state of Washington; and

WHEREAS, The Colville Confederated Tribes have been widely recognized for their stewardship of forest lands; and

WHEREAS, The Wenatchi Tribe has worked tirelessly with other local governments to improve the quality of life and the economic vitality of the Colville area; and

WHEREAS, The tribal government has contributed tens of thousands of dollars for charities, disasters, and other emergencies throughout the region; and

WHEREAS, When the state couldn't afford to operate the Colville Fish Hatchery in 1998 and 1999, the Colville Tribes paid to keep it open; and

WHEREAS, Wenatchi leaders have worked throughout the twentieth century for recognition of their rights and reservation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby honor the Wenatchi Tribe for their stewardship of the land, their dedication to their heritage, and their tireless efforts to preserve their history and their culture.

HOUSE FLOOR RESOLUTION NO. 4662 was adopted.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1464, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall designate a person within each of the department's administrative regions to serve as a liaison for community-based and faith-based social services organizations. The liaison shall be available to such organizations to:

(1) Provide information to community-based and faith-based social services organizations that relates to opportunities for the organizations to cooperate with the department in providing community services throughout the state;

(2) Identify areas of need that are not currently being met in the state in which community-based and faith-based social services organizations may provide needed services;

(3) Coordinate efforts to promote involvement of community-based and faith-based social services organizations to provide community services throughout the state."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "and adding a new section to chapter 43.20A RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1464 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

April 23, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401 and asked the Senate to concur therein.

### SENATE AMENDMENTS TO HOUSE BILL

April 9, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the final decision and order in *Everett Shorelines Coalition v. City of Everett and Washington State Department Of Ecology*, Case No. 02-3-0009c, issued on January 9, 2003, by the central Puget Sound growth management hearings board was a case of first impression interpreting the addition of the shoreline management act into the growth management act, and that the board considered the appeal and issued its final order and decision without the benefit of shorelines guidelines to provide guidance on the implementation of the shoreline management act and the adoption of shoreline master programs.

(2) This act is intended to affirm the legislature's intent that:

(a) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(b) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(c) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

(3) The legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act.

**Sec. 2.** RCW 90.58.030 and 2002 c 230 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred- year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,

wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

**Sec. 3.** RCW 90.58.090 and 1997 c 429 s 50 are each amended to read as follows:

(1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines, and if the segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest. If the department does not approve a segment of a local government master program relating to a shoreline of statewide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((5))~~ (6) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its

jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

~~((6))~~ (7) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 4.** RCW 90.58.190 and 1995 c 347 s 311 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(~~((4))~~) (5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter (~~and chapter 36.70A RCW~~), the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment.

**Sec. 5.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive



plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in this act is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2)."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 90.58.030, 90.58.090, 90.58.190, and 36.70A.480; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Romero and Schindler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1933 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1933, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1571, and under suspension of the rules returned bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that there is an urgent need for vigorous enforcement of child support obligations. The legislature further finds that the duty of child support to provide for the needs of dependent children, including their necessary food, clothing, shelter, education, and health care, should not be avoided because of where an obligor resides. A person owing a duty of child support who chooses to engage in behaviors that result in the person becoming incarcerated should not be able to avoid child support obligations.

The legislature also finds the current system of child support collections due from persons confined in state correctional facilities does not facilitate family preservation nor does it promote the best interests of children. Unless otherwise proscribed by federal law or court order, the legislature intends that, particularly in instances of very low payment levels, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child. The legislature does not intend the child support system to be a mechanism for the support of government, but rather to directly assist children in need of support.

**Sec. 2.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; ~~((and))~~

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

~~(c) ((The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration-~~

~~(d)))~~ The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(d) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(6) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

**Sec. 3.** RCW 72.09.480 and 1999 c 325 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection ~~((6))~~ (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions ~~((in RCW 72.09.111(4)(a)))~~ and the priorities established in chapter 72.11 RCW:

- (a) Five percent to the public safety and education account for the purpose of crime victims' compensation;  
(b) Ten percent to a department personal inmate savings account;  
(c) Twenty percent to the department to contribute to the cost of incarceration;  
(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and  
(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

~~((3))~~ (4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((4))~~ (5) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((6))~~ (7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, ~~except settlements or awards resulting from legal action,~~ the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation ~~((and)),~~ twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

On page 1, line 1 of the title, after "payments;" strike the remainder of the title and insert "amending RCW 72.09.111 and 72.09.480; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1571 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Holmquist and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1571 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1571, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1712, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) **OFFENDERS IN CUSTODY.** (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.

Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered

shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.



(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9A.44.130."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1712 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives O'Brien and Mielke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 1712 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1712, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1712, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) Except for community and technical colleges, each degree- granting public or private postsecondary residential campus that provides on-campus or group housing shall provide information on meningococcal disease to each enrolled matriculated first-time student. Community and technical colleges must provide the information only to those students who are offered on-campus or group housing. The information about meningococcal disease shall include:

(a) Symptoms, risks, especially as the risks relate to circumstances of group living arrangements, and treatment; and

(b) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(2) This section shall not be construed to require the department of health or the postsecondary educational institution to provide the vaccination to students.

(3) The department of health shall be consulted regarding the preparation of the information materials provided to the first-time students.

(4) If institutions provide electronic enrollment or registration to first-time students, the information required by this section shall be provided electronically and acknowledged by the student before completion of electronic enrollment or registration.

(5) This section does not create a private right of action.

**NEW SECTION. Sec. 2.** This act takes effect July 1, 2004."

On page 1, line 3 of the title, after "institutions;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Moeller and Pflug spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1827 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1827, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1841, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.13 RCW to read as follows:

The legislature finds that investment in effective prevention and early intervention services: (1) Produces immediate and long-term improvements for children and families; and (2) avoids future public costs in education, child welfare, substance abuse, health, and mental health treatment, law enforcement, the courts, and juvenile and adult corrections. The legislature further finds that state agencies receiving funds for prevention and early intervention services should contract for or operate services that have a strong likelihood of achieving expected program outcomes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "prevention and early intervention services and programs" are the following state-operated or contracted programs or their successors:

- (a) Alternate response system;
- (b) Family reconciliation services;
- (c) Family preservation services;
- (d) Intensive family preservation services;
- (e) Continuum of care;
- (f) Parent trust program;
- (g) Public health nurse early intervention program; and
- (h) Other prevention and early intervention services and programs in the department of social and health services, children's administration, as identified by the secretary.

(2) The department of social and health services in consultation with the family policy council, created in chapter 70.190 RCW, shall, by March 1, 2004, identify criteria for funding prevention and early intervention services and programs in the children's administration that are either state-operated or contracted. The criteria must require that funded programs, at a minimum: (a) Define clear, measurable outcomes; (b) identify research that may be applicable; (c) identify anticipated cost benefits; (d) describe broad community involvement, support, and partnerships; and (e) provide data related to program outcomes and cost benefits.

(3) The department shall incorporate the funding criteria into contracts and operating procedures beginning January 1, 2005, within existing resources.

(4) The department shall begin providing the family policy council program outcome data required under subsection (2) of this section not later than June 1, 2005.

(5) The family policy council shall begin analyzing the program outcome and cost benefit data required under subsection (2) of this section July 1, 2005.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.13 RCW to read as follows:

Nothing in this act creates:

- (1) An entitlement to services;
- (2) Judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, or the child or family is not eligible for such services; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against any state agency or contractor.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.190 RCW to read as follows:

The council shall: Beginning with its 2005 annual report and each subsequent report, list the prevention and early intervention services to which the funding criteria established in section 2(2) of this act are applied; and beginning with its 2006 annual report and in each subsequent annual report, include the outcome and cost benefit data collected under section 2(5) of this act and provide an analysis of the success and cost benefit program outcomes.

In the 2006 annual report and in each subsequent annual report the council shall identify and recommend other services, programs, and state agencies to which the funding criteria may apply."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and adding a new section to chapter 70.190 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1841 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Kagi and Boldt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1841 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1841, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 1841, as amended by the Senate, having received the constitutional majority, was declared passed.

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

### **SECOND READING**

#### **HOUSE BILL NO. 2261, By Representatives Kagi and Cody**

#### **Concerning services for persons with developmental disabilities.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2261 was substituted for House Bill No. 2261 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2261 was read the second time.

Representative Boldt moved the adoption of amendment (513):

On page 7, line 6, after "shall" insert "develop a plan to"

On page 7, line 11, after "caregiver." insert "The department shall present the plan to the legislature for approval prior to implementation."

Representatives Boldt and Holmquist spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (513) to Substitute House Bill No. 2261.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (513) to Substitute House Bill No. 2261, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 52.

Representative Boldt moved the adoption of amendment (512):

On page 10, after line 18, insert the following:

"**NEW SECTION. Sec. 18.** (1) The legislature's delegation of authority to the department under this act is strictly limited to:

- (a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and
- (b) The administration of circumstances and behaviors foreseeable at the time of enactment.

(2) Department actions or rules authorized by this act are subject to the following additional standards of judicial review, which supercede RCW 34.05.570(1) and (2) to the extent of any conflict:

- (a) The department bears the burden of demonstrating that the department's action:

- (i) Was authorized by law; and

- (ii) Was valid, when the interest of a party asserting invalidity arises from the department's actions imposing a penalty on the asserting party;

- (b) The validity of a department rule may be determined upon petition for declaratory judgment addressed to any superior court in this state; and

- (c) In determining whether, under RCW 34.05.570(2)(c), a department rule exceeds the department's statutory authority, the court must also consider whether the rule exceeds the limited delegation under subsection (1) of this section."

Renumber remaining sections and correct the title.

Representatives Boldt and Woods spoke in favor of the adoption of the amendment.

Representatives Kagi and Cody spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (512) to Substitute House Bill No. 2261.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (512) to Substitute House Bill No. 2261, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

Representative Boldt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2261.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2261 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Armstrong, Berkey, Blake, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Buck, Bush, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 36.

SUBSTITUTE HOUSE BILL NO. 2261, having received the necessary constitutional majority, was declared passed.

### **SECOND SUBSTITUTE SENATE BILL NO. 5341, By Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)**

#### **Establishing a quality maintenance fee on nursing facilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 102<sup>nd</sup> Day, April 23, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cody, Sehlin and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5341 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5341, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Boldt, Kristiansen, McMahan, Mielke, Nixon, and Orcutt - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5341, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 6029, By Senators Rossi and Fairley; by request of Office of Financial Management**

#### **Funding the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 102<sup>nd</sup> Day, April 23, 2003.)

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fromhold, Sehlin, Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6029 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6029, as amended by the House, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Skinner, Sommers, Sullivan, Sump, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Anderson, Chandler, Condotta, Cox, Crouse, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, Mielke, Newhouse, Nixon, Pearson, Pflug, Roach, Schindler, Schoesler, Shabro, Simpson, Talcott, and Tom - 26.

SENATE BILL NO. 6029, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGES FROM THE SENATE**

April 25, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5437,  
ENGROSSED SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 5974,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,  
SENATE BILL NO. 6052,  
SUBSTITUTE SENATE BILL NO. 6054,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 25, 2003

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1061,  
ENGROSSED HOUSE BILL NO. 1090,  
HOUSE BILL NO. 1114,  
HOUSE BILL NO. 1150,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1200,  
HOUSE BILL NO. 1206,  
SUBSTITUTE HOUSE BILL NO. 1213,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,  
SUBSTITUTE HOUSE BILL NO. 1222,  
SUBSTITUTE HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1294,  
ENGROSSED HOUSE BILL NO. 1388,  
ENGROSSED HOUSE BILL NO. 1427,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463,  
HOUSE BILL NO. 1612,  
SUBSTITUTE HOUSE BILL NO. 1675,  
SUBSTITUTE HOUSE BILL NO. 1707,  
SUBSTITUTE HOUSE BILL NO. 1785,  
HOUSE BILL NO. 1786,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,  
HOUSE BILL NO. 1815,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,  
SUBSTITUTE HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 2033,  
HOUSE BILL NO. 2183,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,

and the same are herewith transmitted.



Milt H. Doumit, Secretary

April 25, 2003

Mr. Speaker:

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1173 and passed the bill without said amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 25, 2003

Mr. Speaker:

The Senate has receded from its amendment to HOUSE BILL NO. 1126 and passed the bill without said amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 9:30 a.m., April 26, 2003, the 104<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

JOURNAL OF THE HOUSE

ONE HUNDRED THIRD DAY, APRIL 25, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ONE HUNDRED FOURTH DAY**

---

House Chamber, Olympia, Saturday, April 26, 2003

The House was called to order at 9:30 a.m. by the Speaker (Representative Kenney presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jasmine Elam and Tyler West. The Speaker (Representative Kenney presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Don Cox.

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

The Speaker (Representative Kenney presiding) called upon Representative Lovick to preside.

There being no objection, the rules were suspended, the Rules Committee was relieved of further consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 6026 and the bill was placed on the Second Reading calendar.

**SENATE AMENDMENTS TO HOUSE BILL**

April 25, 2003

Mr. Speaker

The Senate insists on its position to SUBSTITUTE HOUSE BILL NO. 1085 and asks the House to concur with the Senate amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position regarding to SUBSTITUTE HOUSE BILL NO. 1085 and again asked the Senate to recede therefrom.

**SENATE AMENDMENTS TO HOUSE BILL**

April 15, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter and section 9 of this act unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

**NEW SECTION. Sec. 2. TAX CREDITS--BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES.** (1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

**NEW SECTION. Sec. 3. TAX CREDIT FILING.** (1) Application for tax credit under section 2 of this act may only be made in the form and manner prescribed in rules adopted by the department.

(2) The credit under this section must be taken or deferred under section 4 of this act against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.

(3) Any person who knowingly makes a false statement of a material fact in the application for a credit under section 2 of this act is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 4. TAX CREDIT LIMITATIONS.** (1) The department shall keep a running total of all credits accrued under section 2 of this act during each fiscal year. No person is eligible for tax credits under section 2 of this act if the credits would cause the tabulation for the total amount of credits taken in any fiscal year to exceed two million two hundred fifty thousand dollars. This limitation includes any credits carried forward under subsection (2)(b) of this section from prior years.

(2)(a) No person is eligible for tax credits under section 2 of this act in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b) A person with taxes equal to or in excess of the credit under section 2 of this act, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. A person deferring tax credits under this subsection (2)(b) must submit an application in the year in which the tax credits will be applied. This application is subject to eligibility under subsection (1) of this section for the fiscal year in which the tax credits will be applied.

(3) No person is eligible for tax credits under section 2 of this act in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits deferred in prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits, including deferred credits authorized under subsection (2)(b) of this section, after June 30, 2013.

(5) Credits may not be carried forward or carried backward other than as authorized in subsection (2)(b) of this section.

**NEW SECTION. Sec. 5. FUND TRANSFER.** (1) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under section 2 of this act during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under section 2 of this act from the multimodal transportation account.

**NEW SECTION. Sec. 6. COMMUTE TRIP REDUCTION REPORTING.** The commute trip reduction task force shall determine the effectiveness of the tax credit under section 2 of this act, the grant program in section 9 of this act, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

**NEW SECTION. Sec. 7. ADMINISTRATION.** Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION. Sec. 8. EXPIRATION.** This chapter expires July 1, 2013, except for section 5 of this act, which expires January 1, 2014.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees. However, no employer is eligible for both grants provided under this section and tax credits under section 2 of this act within the same fiscal year.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:  
RCW 82.04.4453 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 1, 1996 c 128 s 1, & 1994 c 270 s 2;  
RCW 82.04.4454 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 3, 1996 c 128 s 2, & 1994 c 270 s 3;  
RCW 82.16.048 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 2, 1996 c 128 s 3, & 1994 c 270 s 4;  
RCW 82.16.049 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 4, 1996 c 128 s 4, & 1994 c 270 s 5; and  
RCW 47.01.900 (Commute trip reduction program--Transfer from state energy office--References to director or state energy office) and 1998 c 245 s 93 & 1996 c 186 s 301.

**Sec. 11.** RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer (~~(shall, by October 1, 1992,)~~) may adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns to take into account the location of major employer worksites when planning transit service changes or the expansion of public transportation services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under RCW 70.94.537. The report shall be due July 1, 1994, and each July 1st thereafter through July 1, 2006. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under RCW 70.94.537. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle

use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.

(12) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(13) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

**Sec. 12.** RCW 82.08.0287 and 2001 c 320 s 4 are each amended to read as follows:

The tax imposed by this chapter shall not apply to sales of passenger motor vehicles which are to be used for commuter ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated (~~((either))~~) within (~~((the state's eight largest))~~) counties that (~~((are required to))~~) develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

**Sec. 13.** RCW 82.12.0282 and 2001 c 320 s 5 are each amended to read as follows:

The tax imposed by this chapter shall not apply with respect to the use of passenger motor vehicles used as ride-sharing vehicles by not less than five persons, including the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010, by not less than four persons including the driver when at least two of those persons are confined to wheelchairs when riding, or passenger motor vehicles where the primary usage is for ride-sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning with the date of first use.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated (~~((either))~~) within (~~((the state's eight largest))~~) counties that (~~((are required to))~~) develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

**Sec. 14.** RCW 82.44.015 and 1996 c 244 s 7 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include passenger motor vehicles used primarily for commuter ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010. The registered owner of one of these vehicles shall notify the department of licensing upon termination of primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated (~~((either))~~) within (~~((the state's eight largest))~~) counties that (~~((are required to))~~) develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a

public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

NEW SECTION. **Sec. 15.** Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 16.** The code reviser shall place cross-reference sections to chapter 82.-- RCW (sections 1 through 8 of this act) in chapters 82.04 and 82.16 RCW.

NEW SECTION. **Sec. 17.** (1) Sections 1 through 10, 15, and 16 of this act take effect July 1, 2004, but only if legislation that provides additional revenues, excluding transfers, for the multimodal transportation account is in effect on that date.

(2) Sections 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

NEW SECTION. **Sec. 18.** Captions used in this act are not part of the law."

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "amending RCW 70.94.527, 82.08.0287, 82.12.0282, and 82.44.015; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, 82.16.049, and 47.01.900; prescribing penalties; providing an effective date; providing a contingent effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 25, 2003

Mr. Speaker:

The Senate receded from amendment 312 to page 10, line 38 to SUBSTITUTE HOUSE BILL NO. 1829, and passed the bill without said amendment, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House, having concurred in a previous Senate amendment, advanced SUBSTITUTE HOUSE BILL NO. 1829 as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Bailey and Fromhold spoke in favor of the passage of the bill.

### **MOTION**

On motion of Representative Santos, Representative Schual-Berke was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1829 as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1829, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1829, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1204, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 41.04 RCW to read as follows:

(1) The select committee on pension policy is created. The select committee consists of:

(a) Four members of the senate appointed by the president of the senate, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the senate ways and means committee;

(b) Four members of the house of representatives appointed by the speaker, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the house of representatives appropriations committee;

(c) Four active members or representatives from organizations of active members of the state retirement systems appointed by the governor for staggered three-year terms, with no more than two appointees representing any one employee retirement system;

(d) Two retired members or representatives of retired members' organizations of the state retirement systems appointed by the governor for staggered three-year terms, with no two members from the same system;

(e) Four employer representatives of members of the state retirement systems appointed by the governor for staggered three-year terms; and

(f) The directors of the department of retirement systems and office of financial management.

(2)(a) The term of office of each member of the house of representatives or senate serving on the committee runs from the close of the session in which he or she is appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term continues until the member is reappointed or a successor is appointed. The term of office for a committee member who is a member of the house of representatives or the senate who does not continue as a member of the senate or house of representatives ceases upon the convening of the next session of the legislature during the odd-numbered year following the member's appointment, or upon the member's resignation, whichever is earlier. All vacancies of positions held by members of the legislature must be filled from the same political party and from the same house as the member whose seat was vacated.

(b) Following the terms of members and representatives appointed under subsection (1)(d) of this section, the retiree positions shall be rotated to ensure that each system has an opportunity to have a retiree representative on the committee.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years and



the vice-chairperson shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered years.

(4) The committee shall establish an executive committee of five members, including the chairperson, the vice-chairperson, one member from subsection (1)(c) of this section, one member from subsection (1)(e) of this section, and one member from subsection (1)(f) of this section, with the directors of the department of retirement systems and the office of financial management serving in alternate years.

(5) Nonlegislative members of the select committee serve without compensation, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) The office of state actuary under chapter 44.44 RCW shall provide staff and technical support to the committee.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.04 RCW to read as follows:

(1) The select committee on pension policy may form three function-specific subcommittees, as set forth under subsection (2) of this section, from the members under section 1(1) (a) through (e) of this act, as follows:

(a) A public safety subcommittee with one member from each group under section 1(1) (a) through (e) of this act;

(b) An education subcommittee with one member from each group under section 1(1) (a) through (e) of this act; and

(c) A state and local government subcommittee, with one retiree member under section 1(1)(d) of this act and two members from each group under section 1(1) (a) through (c) and (e) of this act.

The retiree members may serve on more than one subcommittee to ensure representation on each subcommittee.

(2)(a) The public safety subcommittee shall focus on pension issues affecting public safety employees who are members of the law enforcement officers' and fire fighters' and Washington state patrol retirement systems.

(b) The education subcommittee shall focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems.

(c) The state and local government subcommittee shall focus on pension issues affecting state and local government employees who are members of the public employees' retirement system.

**Sec. 3.** RCW 41.50.110 and 1998 c 341 s 508 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department (~~and~~), the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, (~~and~~) 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(~~(2)~~) (3) shall be paid pursuant to subsection (1) of this section.

**Sec. 4.** RCW 44.44.040 and 1987 c 25 s 3 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. (~~Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.~~)

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under (~~RCW 46.44.050~~) section 1 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.04 RCW to read as follows:

The select committee on pension policy has the following powers and duties:

(1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;

(2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature;

(3) Consult with the chair and vice-chair on appointing members to the state actuary appointment committee upon the convening of the state actuary appointment committee established under section 13 of this act; and

(4) Receive the results of the actuarial audits of the actuarial valuations and experience studies administered by the pension funding council pursuant to RCW 41.45.110. The select committee on pension policy shall study and make recommendations on changes to assumptions or contribution rates to the pension funding council prior to adoption of changes under RCW 41.45.030, 41.45.035, or 41.45.060.

**Sec. 6.** RCW 41.32.570 and 2001 2nd sp.s. c 10 s 3 and 2001 c 317 s 1 are each reenacted and amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service, after the retiree has rendered service for more than one thousand five hundred hours in a school year. When a retired teacher or administrator renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the (~~joint~~) select committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

**Sec. 7.** RCW 41.40.037 and 2001 2nd sp.s. c 10 s 4 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every

eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1 who has satisfied the break in employment requirement of subsection (1) of this section and who enters employment with an employer may continue to receive pension payments while engaged in such service for up to one thousand five hundred hours of service in a calendar year without a reduction of pension. When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the ~~(joint)~~ select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

**Sec. 8.** RCW 41.45.020 and 2002 c 26 s 4 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan 1" and "law enforcement officers' and fire fighters' retirement system plan 2" means the benefits and funding provisions under chapter 41.26 RCW.

(4) "Public employees' retirement system plan 1," "public employees' retirement system plan 2," and "public employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(12) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

(13) "Select committee" means the select committee on pension policy created in section 1 of this act.

**Sec. 9.** RCW 41.45.090 and 1998 c 283 s 7 are each amended to read as follows:

The department shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the state retirement systems, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of those systems. The department and state actuary shall enter into a memorandum of understanding regarding the specific data the department will collect, when it will be collected, and how it will be maintained. The department shall notify the state actuary of any changes it makes, or intends to make, in the collection and maintenance of such data.

At least once in each six-year period, the state actuary shall conduct an actuarial experience study of the mortality, service, compensation and other experience of the members and beneficiaries of each state retirement system, and into the financial condition of each system. The results of each investigation shall be filed with the department, the office of financial management, the budget writing committees of the Washington house of

representatives and senate, the select committee on pension policy, and the pension funding council. Upon the basis of such actuarial investigation the department shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation of the state retirement systems.

**Sec. 10.** RCW 41.45.110 and 1998 c 283 s 3 are each amended to read as follows:

The pension funding council shall solicit and administer a biennial actuarial audit of the actuarial valuations used for rate-setting purposes. This audit will be conducted concurrent with the actuarial valuation performed by the state actuary. At least once in each six- year period, the pension funding council shall solicit and administer an actuarial audit of the results of the experience study required in RCW 41.45.090. Upon receipt of the results of the actuarial audits required by this section, the pension funding council shall submit the results to the select committee on pension policy.

**NEW SECTION. Sec. 11.** RCW 41.54.061 is decodified.

**Sec. 12.** RCW 44.04.260 and 2001 c 259 s 1 are each amended to read as follows:

The joint legislative audit and review committee, the legislative transportation committee, the ~~((joint))~~ select committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

**NEW SECTION. Sec. 13.** (1) The state actuary appointment committee is created. The committee shall consist of: (a) The chair and ranking minority member of the house of representatives appropriations committee and the chair and ranking minority member of the senate ways and means committee; and (b) four members of the select committee on pension policy appointed jointly by the chair and vice-chair of the select committee, at least one member representing state retirement systems active or retired members, and one member representing state retirement system employers.

(2) The state actuary appointment committee shall be jointly chaired by the chair of the house of representatives appropriations committee and the chair of the senate ways and means committee.

(3) The state actuary appointment committee shall appoint or remove the state actuary by a two-thirds vote of the committee. When considering the appointment or removal of the state actuary, the appointment committee shall consult with the director of the department of retirement systems, the director of the office of financial management, and other interested parties.

(4) The state actuary appointment committee shall be convened by the chairs of the house of representatives appropriations committee and the senate ways and means committee (a) whenever the position of state actuary becomes vacant, or (b) upon the written request of any four members of the appointment committee.

**Sec. 14.** RCW 44.44.030 and 2001 c 259 s 11 are each amended to read as follows:

(1) Subject to RCW 44.04.260, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the ~~((joint committee on pension policy))~~ the state actuary appointment committee, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the select committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

**NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed:

RCW 44.44.015 (Administration) and 2001 c 259 s 10;

RCW 44.44.050 (Joint committee on pension policy--Membership, terms, leadership) and 1987 c 25 s 4;  
and

RCW 44.44.060 (Joint committee on pension policy--Powers and duties) and 1987 c 25 s 5."

On page 1, line 1 of the title, after "policy;" strike the remainder of the title and insert "amending RCW 41.50.110, 44.44.040, 41.40.037, 41.45.020, 41.45.090, 41.45.110, 44.04.260, and 44.44.030; reenacting and

amending RCW 41.32.570; adding new sections to chapter 41.04 RCW; creating a new section; decodifying RCW 41.54.061; and repealing RCW 44.44.015, 44.44.050, and 44.44.060."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1204 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Fromhold, Conway and Sehlin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1204 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1204, as amended by the Senate and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Berkey, Blake, Boldt, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Bailey, Benson, Buck, Bush, Hinkle, Holmquist, Kristiansen, Lantz, Mastin, McMahan, McMorris, Mielke, Nixon, Pearson, Sehlin, Sump and Tom - 18.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1204, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1204 as amended by the Senate.  
PATRICIA LANTZ, 26<sup>th</sup> District

### **SENATE AMENDMENTS TO HOUSE BILL**

April 25, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1233, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department shall request that the juvenile court require parents to disclose to the department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department shall encourage the parents to disclose to the department all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

**NEW SECTION. Sec. 2.** (1) The department of social and health services shall collaborate with one or more nonprofit community-based agencies to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of two pilot projects to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home care. The proposal must seek to establish at least one project in eastern Washington and one project in western Washington, each project to be managed by a participating community-based agency.

(2) The kinship care navigators funded through the proposal shall be responsible for at least the following:

(a) Understanding the various state agency systems serving kinship caregivers;

(b) Working in partnership with local community service providers;

(c) Tracking trends, concerns, and other factors related to kinship caregivers; and

(d) Assisting in establishing stable, respectful relationships between kinship caregivers and department staff.

(3) Implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for that purpose.

(4) For the purposes of this section, "kinship" has the same meaning as "kin" given in section 1(1) of this act.

(5) This section expires January 1, 2007.

**NEW SECTION. Sec. 3.** (1) The department of social and health services shall report to the legislature and the governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the pilot projects. The report shall: Include data that demonstrates whether the pilot project reduced actual barriers to access to services; identify statutory and administrative barriers for kin who give care; and recommend ways to reduce or eliminate the barriers without adverse consequences to children placed with kin.

(2) This section expires January 1, 2007.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood or marriage, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian

child welfare act, and a set of principles. If the committee concludes that one or more program or service would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor the implementation of recommendations contained in the 2002 kinship care report;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(3) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(4) The kinship care oversight committee shall report to the legislature and the governor on the status of kinship care issues by December 1, 2004.

(5) This section expires January 1, 2005."

On page 1, line 1 of the title, after "caregivers;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1233 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Pettigrew and Boldt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1233 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1233, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2215, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.70.180 and 2001 c 272 s 10 and 2001 c 64 s 9 are each reenacted and amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale. However, an amount not to exceed thirty-five dollars per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The documentary service fee is not represented to the purchaser or lessee as a fee or charge required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to thirty-five dollars may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer or lessee of a vehicle a written order or offer to purchase or lease, or a contract document signed by the buyer or lessee, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee, either (i) to deliver to the buyer or lessee the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer or lessee, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or



(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

**Sec. 2.** RCW 63.14.010 and 1999 c 113 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail

seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.12.042, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

**Sec. 3.** RCW 63.14.130 and 1999 c 113 s 4 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer, except for any vehicle dealer administrative fee under RCW 46.12.042 or for any vehicle dealer documentary service fee under RCW 46.70.180(2).

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(h).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

**NEW SECTION. Sec. 4.** This act takes effect only when Senate Bill No. 6061 or House Bill No. 2231 takes effect. If neither of these bills takes effect by December 31, 2003, this act is null and void in its entirety."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 63.14.010 and 63.14.130; reenacting and amending RCW 46.70.180; and providing contingent effect."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2215 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Murray and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2215 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2215, as amended by the Senate and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Armstrong, Bailey, Berkey, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Flannigan, Kristiansen, Mastin,

McDonald, McMahan, McMorris, Mielke, Morrell, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin and Sump - 32.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2215, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 21, 2003

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5190 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House receded from its position and advanced to final passage SUBSTITUTE SENATE BILL NO. 5190 without the House amendment.

Representatives Murray, Simpson and Cooper spoke in favor of passage of the bill.

Representatives Ericksen, DeBolt and Schoesler spoke against of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5190 without the House amendment.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5190 without the House amendment, and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 44.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE SENATE BILL NO. 5190, without the House amendment, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 21, 2003

Mr. Speakers:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5497 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House receded from its position and advanced to final passage SUBSTITUTE SENATE BILL NO. 5497 without the House amendment.

Representative Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5497 without the House amendment.

Representative Murray spoke in favor of passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5497 without the House amendment, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE SENATE BILL NO. 5497, without the House amendment, having received the constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5520 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House receded from its position and advanced to final passage SUBSTITUTE SENATE BILL NO. 5520 without the House amendment.

Representative Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5520 without the House amendment.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5520 without the House amendment, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin,

Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative DeBolt - 1.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE SENATE BILL NO. 5520, without the House amendment, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5748 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House receded from its position and advanced to final passage SUBSTITUTE SENATE BILL NO. 5748 without the House amendment.

Representatives Rockefeller, Wallace and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5748 without the House amendment.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5748 without the House amendment, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE SENATE BILL NO. 5748, without the House amendment, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 21, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5450 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 5450 was returned to second reading for purpose of amendment.

#### **SECOND READING**

**ENGROSSED SENATE BILL NO. 5450, By Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles**

**Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.**

Representative Murray moved the adoption of the following amendment (489):

On page 6, after line 25, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 46.04 RCW to read as follows:

"Motorized foot scooter" means a device with no more than two ten- inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 7. RCW 46.04.332 and 2002 c 247 s 4 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped, a motorized foot scooter, or an electric personal assistive mobility device.

Sec. 8. RCW 46.16.010 and 2000 c 229 s 1 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof must be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.

Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

~~((b))~~ (c) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

~~((c))~~ (d) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

~~((d))~~ (e) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

~~((e))~~ (f) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to,



road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

**Sec. 9.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read as follows:

(1) No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

**Sec. 10.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, motorized foot scooter, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

**Sec. 11.** RCW 46.61.710 and 2002 c 247 s 7 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or an electric-assisted bicycle on a fully controlled limited access highway is unlawful. Operation of a moped or an electric-assisted bicycle on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles and motorized foot scooters may have access to highways of the state to the same extent as bicycles. Subject to subsection (6) of this section, electric-assisted bicycles and motorized foot scooters may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and state agencies may regulate the use of motorized foot scooters on facilities and properties under their jurisdiction and control.

(6) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed.

(7) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

~~((7))~~ (8) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

**Sec. 12.** RCW 46.81A.010 and 1988 c 227 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motorcycle skills education program" means a motorcycle rider skills training program to be administered by the department.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Motorcycle" means a motorcycle licensed under chapter 46.16 RCW, and does not include motorized bicycles, mopeds, scooters, motorized foot scooters, off-road motorcycles, motorized tricycles, side-car equipped motorcycles, or four-wheel all-terrain vehicles."

Renumber the remaining section consecutively and correct the title.

Representatives Murray, Wallace and Murray (again) spoke in favor of adoption of the amendment.

Representatives Ericksen and Armstrong spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result of the division was 49 - YEAS; 48 -NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Sullivan spoke in favor of passage of the bill.

There being no objection, the House deferred action on ENGROSSED SENATE BILL NO. 5450, and the bill held its placed on Third Reading.

## SECOND READING

### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, By Senate Committee on Agriculture (originally sponsored by Senators Swecker and Rasmussen)**

#### **Concerning a livestock nutrient management program.**

The bill was read the second time. There being no objection, the committee amendment by the Committee on Agriculture and Natural Resources was adopted. (For committee amendment, see Journal, 82<sup>nd</sup> Day, April 4, 2003.)

Representative Linville moved the adoption of amendment (517):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A livestock nutrient management program is essential to ensuring a healthy and productive livestock industry in Washington state. The goal of the program must be to provide clear guidance to livestock farms as to their responsibilities under state and federal law to protect water quality while maintaining a healthy business climate for these farms. The program should develop reasonable financial assistance resources, educational and technical assistance to meet these responsibilities, and provide for periodic inspection and enforcement actions to ensure compliance with state and federal water quality laws. The legislature intends that by 2006, there will be a fully functioning state program for concentrated animal feeding operations in the state, and that this program will be a single program for all livestock sectors.

The legislature finds that a livestock nutrient management program is necessary to address the federal rule changes with which livestock operations must comply. Furthermore, budgetary conditions demand efficient and effective governance. In addition, many of the existing requirements and goals for dairy farms will be completed by December 2003, and revisions will be needed.

**NEW SECTION. Sec. 2.** (1) A livestock nutrient management program development and oversight committee is created comprised of the following members, appointed as follows:

(a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;

(b) The director of the department of ecology, or the director's designee;

(c) A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;

(d) A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the governor;

(e) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by the governor;

(f) A representative of tribal governments as nominated by an organization representing tribal governments, appointed by the governor;

(g) A representative of Washington State University appointed by the dean of the college of agriculture and home economics;

(h) A representative of the Washington association of conservation districts, appointed by the association's board of officers;

(i) Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the governor;

(j) Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the governor;

(k) One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the governor;

(l) One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the governor; and

(m) A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations.

(2) The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.

(3) The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.

(4) The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

(a) A process for adopting standards and for developing plans for each operation that meet these standards;

(b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a time line to achieve the phased- in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

(c) Continued inspection of dairy operations at least once every two years;

(d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and

(e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) This section expires June 30, 2006.

**Sec. 3.** RCW 90.64.030 and 2002 c 327 s 1 are each amended to read as follows:

(1) Under the inspection program established in RCW 90.64.023, the department may investigate a dairy farm to determine whether the operation is discharging pollutants or has a record of discharging pollutants into surface or ground waters of the state. Upon concluding an investigation, the department shall make a written report of its findings, including the results of any water quality measurements, photographs, or other pertinent information, and provide a copy of the report to the dairy producer within twenty days of the investigation.

(2) The department shall investigate a written complaint filed with the department within three working days and shall make a written report of its findings including the results of any water quality measurements, photographs, or other pertinent information. Within twenty days of receiving a written complaint, a copy of the findings shall be provided to the dairy producer subject to the complaint, and to the complainant if the person gave his or her name and address to the department at the time the complaint was filed.

(3) The department may consider past complaints against the same dairy farm from the same person and the results of its previous inspections, and has the discretion to decide whether to conduct an inspection if:

(a) The same or a similar complaint or complaints have been filed against the same dairy farm within the immediately preceding six-month period; and

(b) The department made a determination that the activity that was the subject of the prior complaint was not a violation.

(4) If the decision of the department is not to conduct an inspection, it shall document the decision and the reasons for the decision within twenty days. The department shall provide the decision to the complainant if the name and address were provided to the department, and to the dairy producer subject to the complaint, and the department shall place the decision in the department's administrative records.

(5) The report of findings of any inspection conducted as the result of either an oral or a written complaint shall be placed in the department's administrative records. Only findings of violations shall be entered into the data base identified in RCW 90.64.130.

(6) A dairy farm that is determined to be a significant contributor of pollution based on actual water quality tests, photographs, or other pertinent information is subject to the provisions of this chapter and to the enforcement provisions of chapters 43.05 and 90.48 RCW, including civil penalties levied under RCW 90.48.144.

(7) If the department determines that an unresolved water quality problem from a dairy farm requires immediate corrective action, the department shall notify the producer and the district in which the problem is located. When corrective actions are required to address such unresolved water quality problems, the department shall provide copies of all final dairy farm inspection reports and documentation of all formal regulatory and enforcement actions taken by the department against that particular dairy farm to the local conservation district and to the appropriate dairy farm within twenty days.

(8) For a violation of water quality laws that is a first offense for a dairy producer, the penalty may be waived to allow the producer to come into compliance with water quality laws. The department shall record all legitimate violations and subsequent enforcement actions.

(9) A discharge, including a storm water discharge, to surface waters of the state shall not be considered a violation of this chapter, chapter 90.48 RCW, or chapter 173-201A WAC, and shall therefore not be enforceable by the department of ecology or a third party, if at the time of the discharge, a violation is not occurring under RCW 90.64.010(18). In addition, a dairy producer shall not be held liable for violations of this chapter, chapter 90.48 RCW, chapter 173-201A WAC, or the federal clean water act due to the discharge of dairy nutrients to waters of the state resulting from spreading these materials on lands other than where the nutrients were generated, when the nutrients are spread by persons other than the dairy producer or the dairy producer's agent.

(10) As provided under RCW 7.48.305, agricultural activities associated with the management of dairy nutrients are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on public health and safety.

(11) This section specifically acknowledges that if a holder of a general or individual national pollutant discharge elimination system permit complies with the permit and the dairy nutrient management plan conditions for appropriate land application practices, the permit provides compliance with the federal clean water act and acts as a shield against citizen or agency enforcement for any additions of pollutants to waters of the state or of the United States as authorized by the permit.

(12) A dairy producer who fails to have an approved dairy nutrient management plan by July 1, 2002, or a certified dairy nutrient management plan by December 31, 2003, and for which no appeals have been filed with the pollution control hearings board, is in violation of this chapter. Each month beyond these deadlines that a dairy producer is out of compliance with the requirement for either plan approval or plan certification shall be considered separate violations of chapter 90.64 RCW that may be subject to penalties. Such penalties may not exceed one hundred dollars per month for each violation up to a combined total of five thousand dollars. The department has discretion in imposing penalties for failure to meet deadlines for plan approval or plan certification if the failure to comply is due to lack of state funding for implementation of the program. Failure to register as required in RCW 90.64.017 shall subject a dairy producer to a maximum penalty of one hundred dollars. Penalties shall be levied by the department.

**Sec. 4.** RCW 90.64.120 and 1993 c 221 s 13 are each amended to read as follows:

(1) Nothing in this chapter shall affect the ~~((department's))~~ department of ecology's authority or responsibility to administer or enforce the national pollutant discharge elimination system permits for operators of concentrated dairy animal feeding operations, where required by federal regulations or to administer the provisions of chapter 90.48 RCW.

(2) Unless the department of ecology delegates its authority under chapter 90.48 RCW to the department of agriculture pursuant to RCW 90.48.260, and until any such delegation of authority receives federal approval, the transfer specified in section 6 of this act shall not preclude the department of ecology from taking action related to animal feeding operations or concentrated animal feeding operations to protect water quality pursuant to its authority in chapter 90.48 RCW. Before taking such actions, the department of ecology shall notify the department of agriculture.

**Sec. 5.** RCW 90.64.150 and 1998 c 262 s 15 are each amended to read as follows:

The ~~((dairy waste))~~ livestock nutrient management account is created in the custody of the state treasurer. All receipts from monetary penalties levied pursuant to violations of this chapter must be deposited into the account. Expenditures from the account may be used only ~~((for the commission))~~ to provide grants ~~((to local conservation districts for the sole purpose of assisting dairy producers to develop and fully implement dairy nutrient management plans))~~ for research or education proposals that assist livestock operations to achieve compliance with state and federal water quality laws. The director of agriculture shall accept and prioritize research proposals and education proposals. Only the ~~((chairman of the commission))~~ director or the ~~((chairman's))~~ director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.64 RCW to read as follows:

(1) All powers, duties, and functions of the department of ecology pertaining to chapter 90.64 RCW are transferred to the department of agriculture. All references to the director of ecology or the department of ecology in the Revised Code of Washington shall be construed to mean the director of agriculture or the department of agriculture when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of agriculture. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the department of agriculture. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of agriculture.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of agriculture.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of agriculture. All existing contracts and obligations shall remain in full force and shall be performed by the department of agriculture.

(4) The transfer of the powers, duties, and functions of the department of ecology shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**Sec. 7.** RCW 90.48.260 and 1988 c 220 s 1 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound water quality authority. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new

sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

**NEW SECTION. Sec. 8.** Such actions as are necessary to make the appointments to the committee created in section 2 of this act shall be taken before July 1, 2003, to make the appointments on that date.

**NEW SECTION. Sec. 9.** Sections 2 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5889 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative McDermott to preside.

There being no objection, the House reverted to the fifth order of business.

### REPORTS OF STANDING COMMITTEES

HB 2267 Prime Sponsor, Representative Gombosky: Providing revenue for the student achievement fund and the health services account. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

April 26, 2003

ESSB 5247 Prime Sponsor, Senate Committee On Highways & Transportation: Authorizing alternative local option fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

April 26, 2003

SB 5769 Prime Sponsor, Senator Horn: Authorizing bond authority for regional transportation investment districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Romero; Schindler; Shabro; Simpson; Sullivan; Wallace; Wood and Woods.

April 26, 2003

SSB 6051 Prime Sponsor, Senate Committee On Ways & Means: Decreasing the payment period for excise taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

April 26, 2003

SB 6056 Prime Sponsor, Senator Haugen: Adjusting fees, taxes, and penalties for pilots and aircraft. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.68.233 and 2000 c 176 s 1 are each amended to read as follows:

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state be registered with the department. The department shall charge an annual fee (~~(not to exceed ten dollars)~~) of fifteen dollars for each registration. All registration certificates issued under this section shall be renewed annually during the month of the registrant's birthdate.



The registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the secretary, (b) safety and education, and (c) volunteer recognition and support.

Registration shall be effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of the certificates.

The provisions of this section do not apply to:

(1) A pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of the controls and the flight is solely for instruction or for the demonstration of the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident thereto.

**Sec. 2.** RCW 47.68.234 and 1993 c 208 s 3 are each amended to read as follows:

The department shall require that every airman or airwoman that is not registered under RCW 47.68.233 and who is a resident of this state, or every nonresident airman or airwoman who is regularly performing duties as an airman or airwoman within this state, be registered with the department. The department shall charge an annual fee (~~(not to exceed ten dollars)~~) of fifteen dollars for each registration. A registration certificate issued under this section is to be renewed annually during the month of the registrant's birthdate.

The department shall use the registration fee imposed under this section for the purposes of: (1) Search and rescue of lost and downed aircraft and airmen or airwomen under the direction and supervision of the secretary; and (2) safety and education.

Registration is (~~affected~~) effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and, in connection with the certificates, shall provide requirements for the possession and exhibition of the certificates.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident to this section.

**Sec. 3.** RCW 47.68.240 and 2000 c 229 s 2 are each amended to read as follows:

(1) Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

(2) In addition to the provisions of subsection (1) of this section, failure to register an aircraft, as required by this chapter, is subject to a civil penalty of one hundred dollars per aircraft for the first violation. Subsequent violations in the same year are subject to the following civil penalties:

(a) For the second violation, a civil penalty of two hundred dollars per aircraft;

(b) For the third and subsequent violations, a civil penalty of four hundred dollars per aircraft.

(3) In addition to the provisions in subsection (1) of this section, failure to register as a pilot, airman, or airwoman, as required by this chapter, is subject to a civil penalty of four times the fees that are due.

(4) The revenue from penalties prescribed in subsection (2) of this section must be deposited into the aeronautics account under RCW 82.42.090. The revenue from penalties prescribed in subsection (3) of this section must be deposited into the aircraft search and rescue, safety, and education account under RCW 47.68.236.

**Sec. 4.** RCW 47.68.250 and 1999 c 302 s 2 are each amended to read as follows:

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of (~~eight~~) fifteen dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of

using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within ~~((one week))~~ thirty days of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

~~((A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered)) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. The airport shall work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.~~

**Sec. 5.** RCW 82.42.020 and 1996 c 104 s 13 are each amended to read as follows:

There is hereby levied, and there shall be collected by every distributor of aircraft fuel, an excise tax at the rate ~~((computed under RCW 82.42.025))~~ of ten cents on each gallon of aircraft fuel sold, delivered or used in this state: PROVIDED HOWEVER, That such aircraft fuel excise tax shall not apply to fuel for aircraft that both operate from a private, non-state-funded airfield during at least ninety-five percent of the aircraft's normal use and are used principally for the application of pesticides, herbicides, or other agricultural chemicals and shall not apply to fuel for emergency medical air transport entities: PROVIDED FURTHER, That there shall be collected from every consumer or user of aircraft fuel either the use tax imposed by RCW 82.12.020, as amended, or the retail sales tax imposed by RCW 82.08.020, as amended, collection procedure to be as prescribed by law and/or rule or regulation of the department of revenue. The taxes imposed by this chapter shall be collected and paid to the state but once in respect to any aircraft fuel.

The tax required by this chapter, to be collected by the seller, is held in trust by the seller until paid to the department, and a seller who appropriates or converts the tax collected to his or her own use or to any use

other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**NEW SECTION. Sec. 6.** RCW 82.42.025 (Computation of aircraft fuel tax rate) and 1983 c 49 s 2 & 1982 1st ex.s. c 25 s 3 are each repealed.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Shabro; Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Anderson; Armstrong; Bailey; Campbell; Kristiansen; Mielke; Nixon; Schindler and Woods.

April 26, 2003

**SSB 6058** Prime Sponsor, Senate Committee On Ways & Means: Modifying the distribution of state property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.068 and 2001 c 3 s 5 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be distributed to school districts in the amounts and in the manner provided in this section.

(2) The amount of the distribution to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year, and shall be calculated as follows:

~~((a))~~ Out of taxes collected in calendar years 2001 through and including 2003, an annual amount equal to one hundred forty dollars per each full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on one hundred forty dollars per full-time equivalent student in the school district for each year beginning with the school year 2001-2002 and through the end of the 2003-04 school year.

~~((b))~~ Out of taxes collected in calendar year 2004, an annual amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent student for each year beginning with the school year 2004-2005. Each subsequent year, the amount deposited shall be adjusted for inflation as defined in RCW 43.135.025(7).)

(3) Beginning with school year 2004-05, the amount deposited in the student achievement fund for distribution to school districts on a per full-time-equivalent student basis shall be determined as set forth in section 2 of this act.

(4) The office of the superintendent of public instruction shall verify the average number of full-time equivalent students in each school district from the previous school year, as reported to the office of the superintendent of public instruction through August 31st of the previous school year, to the state treasurer by ~~((August))~~ September 1st of each year through 2003.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.505 RCW to read as follows:

Distributions to school districts from the student achievement fund created in RCW 43.135.045 shall be based on the average number of full-time equivalent students in the school district during the previous school year for the purposes set forth in RCW 28A.505.210 as follows:

(1) For the 2003-04 school year, moneys in the student achievement fund shall be distributed on the basis of an equal amount per full-time equivalent student as provided in RCW 84.52.068 and 43.135.045(5);

(2) For the 2004-05 school year, moneys in the student achievement fund shall be distributed on the basis of an equal amount per full-time equivalent student as provided in the omnibus operating appropriations act;

(3) For the 2005-06 school year, the legislature shall appropriate an annual amount equal to three hundred fifty dollars per full-time equivalent student to the superintendent of public instruction for distribution to each school district based on three hundred fifty dollars per full-time equivalent student;

(4) For the 2006-07 school year, the legislature shall appropriate an annual amount equal to four hundred dollars per full-time equivalent student to the superintendent of public instruction for distribution to each school district based on four hundred dollars per full-time equivalent student;

(5) For the 2007-08 school year, the legislature shall appropriate an annual amount equal to four hundred fifty dollars per full-time equivalent student to the superintendent of public instruction for distribution to each school district based on four hundred fifty dollars per full-time equivalent student;

(6) Each subsequent year following the 2007-08 school year, the per student distributions shall be adjusted for inflation as defined in RCW 43.135.025(8);

(7) The distributions shall be based on the average number of full-time equivalent students in each school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year; and

(8) Beginning with the 2005-06 school year, if revenues into the student achievement fund from sources other than state property tax revenues are not sufficient to fund the distributions under this section, the state treasurer shall deposit into the student achievement fund for distribution to school districts state property tax revenues sufficient to fully fund the per student distributions under this section no later than August 15th of each year. The amount transferred under this subsection shall be the amount necessary to fully fund the per student distributions for the current school year."

Correct the title.

Signed by Representatives Gombosky, Chairman; McIntire, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were placed on the Second Reading calendar.

The Speaker (Representative McDermott presiding) called upon Representative Lovick to preside.

#### **MESSAGE FROM THE SENATE**

April 26, 2003

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5073,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5545,  
SENATE BILL NO. 5783,  
ENGROSSED SENATE BILL NO. 5991,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

A request from the Republican caucus was made to suspend the rules and immediately consider HOUSE BILL NO. 2158 on Second Reading.

The Speaker (Representative Lovick presiding) stated the question before the House to be a request to suspend the rules and to immediately consider House Bill No. 2158 on Second Reading.

#### **ROLL CALL**

The Clerk called the roll on the motion to suspend the rules and to immediately consider House Bill No. 2158 on Second Reading and the motion failed the House by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

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

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, By Senate Committee on Ways & Means (originally sponsored by Senator Rossi; by request of Governor Locke)**

### **Making 2003-05 operating appropriations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriation was before the House for purpose of amendment. (For committee amendment, see Journal, 101st Day, April 23, 2003.)

With the consent of the House, amendments (520), (525), (526), (528) and (529) were deferred.

Representative Sehlin moved the adoption of amendment (521) to the committee amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2003, and ending June 30, 2005, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.

(b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

## PART I GENERAL GOVERNMENT

**NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**  
HOUSE OF REPRESENTATIVES  
General Fund--State Appropriation (FY 2004) \$27,857,000

General Fund--State Appropriation (FY 2005) \$28,065,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,000  
TOTAL APPROPRIATION \$55,967,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.  
(2) \$171,000 of the general fund--state appropriation is provided for the legislative ethics board.

**NEW SECTION. Sec. 102. FOR THE SENATE**  
**SENATE**

General Fund--State Appropriation (FY 2004) \$21,222,000  
General Fund--State Appropriation (FY 2005) \$22,396,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,000  
TOTAL APPROPRIATION \$43,663,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.  
(2) \$171,000 of the general fund--state appropriation is provided for the legislative ethics board.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**  
**COMMITTEE**

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE  
General Fund--State Appropriation (FY 2004) \$1,673,000  
General Fund--State Appropriation (FY 2005) \$1,763,000  
TOTAL APPROPRIATION \$3,436,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section provide for several studies required by 2003 legislation, including Senate Bill No. 5325 (impact funds to cities). In addition to the study of positive and negative impacts of state facilities described in the bill, the joint legislative audit and review committee shall also study the impacts of the Rainier school for developmentally disabled persons in Buckley, Washington.

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY**  
**PROGRAM COMMITTEE**

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE  
General Fund--State Appropriation (FY 2004) \$1,597,000  
General Fund--State Appropriation (FY 2005) \$1,745,000  
TOTAL APPROPRIATION \$3,342,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the legislative evaluation and accountability program committee, in consultation with the state office of the forecast council, to establish and maintain a set of economic indicators that could be used for adjusting the statewide salary schedule by a regional cost-of- living index. The economic indicators to be included in this index include but are not limited to the median cost of housing.

(1) In developing the regional cost-of-living index, the legislative evaluation and accountability program committee shall collect data on the economic activity comprising the cost-of-living indexes for geographic areas of the state coterminous with the boundaries of the nine educational service districts established under RCW 28A.310.010.

(2) Not later than July 1, 2004, the legislative evaluation and accountability program committee shall submit the regional cost-of- living index to an advisory committee for its review. The advisory committee shall be appointed by the governor and shall consist of one member representing the office of financial management, one member representing the employment security department, one member representing the office of the superintendent of public instruction, and three representatives of the private sector having demonstrated expertise in regional economics. The advisory committee shall not receive compensation for performance of its duties but may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) Not later than October 1, 2004, the advisory committee created under this section shall submit to the director of the legislative evaluation and accountability program committee written comment on the proposed regional cost-of-living index. The written comment may include recommendations for revision to the index or its components.

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**  
OFFICE OF THE STATE ACTUARY  
Department of Retirement Systems Expense Account--State Appropriation \$2,568,000

The appropriation in this section is subject to the following conditions and limitations: \$178,000 of the department of retirement systems expense account--state appropriation is provided solely for the costs associated with leasing and moving into new office space.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**  
JOINT LEGISLATIVE SYSTEMS COMMITTEE  
General Fund--State Appropriation (FY 2004) \$6,767,000  
General Fund--State Appropriation (FY 2005) \$6,766,000  
TOTAL APPROPRIATION \$13,533,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**  
STATUTE LAW COMMITTEE  
General Fund--State Appropriation (FY 2004) \$3,897,000  
General Fund--State Appropriation (FY 2005) \$4,000,000  
TOTAL APPROPRIATION \$7,897,000

The appropriations in this section are subject to the following conditions and limitations: \$42,100 of the general fund fiscal year 2004 appropriation and \$43,800 of the general fund fiscal year 2005 appropriation are provided solely for the uniform legislation commission.

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.** In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**  
SUPREME COURT  
General Fund--State Appropriation (FY 2004) \$5,487,000  
General Fund--State Appropriation (FY 2005) \$5,690,000  
TOTAL APPROPRIATION \$11,177,000

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**  
LAW LIBRARY  
General Fund--State Appropriation (FY 2004) \$2,055,000  
General Fund--State Appropriation (FY 2005) \$2,059,000  
TOTAL APPROPRIATION \$4,114,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**  
COURT OF APPEALS  
General Fund--State Appropriation (FY 2004) \$12,595,000  
General Fund--State Appropriation (FY 2005) \$12,831,000  
TOTAL APPROPRIATION \$25,426,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**  
COMMISSION ON JUDICIAL CONDUCT  
General Fund--State Appropriation (FY 2004) \$859,000  
General Fund--State Appropriation (FY 2005) \$861,000  
TOTAL APPROPRIATION \$1,720,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**  
ADMINISTRATOR FOR THE COURTS  
General Fund--State Appropriation (FY 2004) \$17,465,000  
General Fund--State Appropriation (FY 2005) \$17,510,000  
Public Safety and Education Account--State Appropriation \$40,398,000  
Judicial Information Systems Account--State Appropriation \$27,848,000

TOTAL APPROPRIATION \$103,221,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$531,000 of the public safety and education account appropriation is provided solely for allocation to the department of community, trade, and economic development for civil indigent legal services.

(3) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(4) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

(5) \$9,937,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.

(6) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(7) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(8) The distributions made under subsection (7) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(9) Each quarter during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The office of the administrator for the courts shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(10) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (sentencing and supervision standards for offenders) or Engrossed Substitute Senate Bill No. 6002 (financial obligations). If neither bill is enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (sentencing and supervision standards for offenders) or Engrossed Substitute Senate Bill No. 6002 (financial obligations). If neither bill is enacted by June 30, 2003, the amounts provided in this subsection shall lapse. The funding shall be distributed by the office of the administrator for the courts to the county clerks, in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 or Engrossed Substitute Senate Bill No. 6002.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE  
OFFICE OF PUBLIC DEFENSE**



General Fund--State Appropriation (FY 2004) \$666,000  
General Fund--State Appropriation (FY 2005) \$884,000  
Public Safety and Education Account--State Appropriation \$12,383,000  
TOTAL APPROPRIATION \$13,933,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$51,000 of the public safety and education account appropriation is provided solely for the office of public defenses' expenses in implementing chapter 303, Laws of 1999 (extraordinary criminal justice costs).
- (2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.
- (3) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.
- (4) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**  
**OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2004) \$4,089,000  
General Fund--State Appropriation (FY 2005) \$3,892,000  
General Fund--Federal Appropriation \$1,120,000  
Water Quality Account--State Appropriation \$3,716,000  
TOTAL APPROPRIATION \$12,817,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,716,000 of the water quality account appropriation and \$1,120,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.
- (2) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 shall be used to develop and disseminate scientifically-based, voluntary, kindergarten readiness standards.
- (3) The Washington state commission for responsible fatherhood is established in the office of the governor.
  - (a) The commission shall consist of twenty-two members and reflect the geographic and cultural diversity of the state. The membership shall include:
    - (i) Secretary of social and health services, or his or her designee;
    - (ii) Director of employment security, or his or her designee;
    - (iii) Director of the office of support enforcement, or his or her designee;
    - (iv) Superintendent of public instruction, or his or her designee;
    - (v) Secretary of corrections, or his or her designee;
    - (vi) Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the speaker of the house of representatives;
    - (vii) One representative from the family law section of the state bar association, appointed by the governor;
    - (viii) One representative from the faith community, appointed by the governor;
    - (ix) One representative from the Washington association for prosecuting attorneys, appointed by the governor;
    - (x) Two representatives from fatherhood programs or organizations, appointed by the governor;
    - (xi) One representative from domestic violence programs, appointed by the governor;
    - (xii) Three at-large members, appointed by the governor;
    - (xiii) One member from the business community, appointed by the governor;
    - (xiv) Director of community, trade, and economic development, or his or her designee;
    - (xv) Head start collaboration director, or his or her designee; and
    - (xiv) Regional administrator for the federal administration for children and families, or his or her designee.
  - (b) All commission members shall serve at the pleasure of the governor, but in no case may any member appointed by the governor serve more than three years without formal reappointment by the governor. All legislative members shall serve for two-year terms, and the position of any legislative member shall be deemed vacated whenever such member ceases to be a member of the house from which he or she was appointed. Of the persons initially appointed by the governor to the commission, three shall be appointed to serve one year, three to serve two years, and four to serve three years. Upon expiration of such terms, subsequent appointments shall be

for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(c) Nonlegislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

(d) A simple majority of the membership constitutes a quorum for the purpose of conducting business.

(e) The purpose of the commission is to further the understanding of the importance of two parents being actively involved in the life of a child, with particular emphasis on fathers. The commission is charged with the following:

(i) Identify promising best practices that support and engage both parents in the emotional and financial support of their children;

(ii) Identify obstacles that impede or prevent the involvement of fathers in the lives of their children;

(iii) Raise public awareness of the consequences the absence of the father may cause in a child's life;

(iv) Make recommendations for policy and practice both within and without state government that sustain and re-engage fathers in the lives of their children;

(v) Coordinate programs that promote fatherhood and counter the incidence of fatherlessness in the state of Washington;

(vi) Promote, foster, encourage, and otherwise support programs designed to educate and train young men who are both current and future fathers as to effective parenting skills, behaviors, and attitudes;

(vii) Coordinate programs that counter poverty and low income by increasing the capacity for fathers to overcome personal challenges and become productive, independent, and financially responsible contributors to their family; and

(viii) Report its findings and recommendations to the governor annually.

(f) Each state department, board, commission, authority, or body within the executive branch that provides services to children and families is directed to plan collaboratively with the commission for services to fathers. Each body is directed to report to the commission on this collaboration and improvements to services for and inclusion of fathers. The commission shall determine the form of such reports and the submission.

(g) The commission may receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of the gifts, grants, or endowments, and the purposes of this chapter.

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**  
**LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2004) \$548,000  
General Fund--State Appropriation (FY 2005) \$550,000  
TOTAL APPROPRIATION \$1,098,000

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**  
**PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2004) \$1,795,000  
General Fund--State Appropriation (FY 2005) \$1,778,000  
TOTAL APPROPRIATION \$3,573,000

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**  
**SECRETARY OF STATE**

General Fund--State Appropriation (FY 2004) \$23,266,000  
General Fund--State Appropriation (FY 2005) \$15,910,000  
General Fund--Federal Appropriation \$20,058,000  
Archives and Records Management Account--State Appropriation \$8,960,000  
Archives and Records Management Account--Private/Local Appropriation \$7,023,000  
Department of Personnel Service Account Appropriation \$693,000  
TOTAL APPROPRIATION \$75,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-2005 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(6) \$6,340,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.

(7) \$600,000 of the archives and record management--private/local appropriation is provided solely to assist local governments in disaster recovery efforts to protect and preserve archival documents, upon approval of the director of financial management. A committee composed of the secretary of state, or designee, the state archivist, one county auditor, one county clerk member of the archives oversight committee, and a representative from the office of financial management shall establish the funding criteria and process by September 30, 2003. The division of archives shall submit an annual report to the office of financial management and the legislative fiscal committees detailing disaster recovery costs from this appropriation by individual disaster. The report shall include: (a) Estimates of total costs; (b) actual expenditures to date; and (c) estimates of total remaining expenditures to be paid.

(8) \$524,000 of the general fund--state appropriation for fiscal year 2004 and \$634,000 of the general fund--state appropriation for fiscal year 2005 are provided for the continued operation of the institutional libraries operated by the state library at the institutions of the department of social and health services.

(9) The secretary of state shall not reduce library services to the blind below the level of services provided during the 2001-03 fiscal biennium.

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

**GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2004) \$227,000

General Fund--State Appropriation (FY 2005) \$238,000

**TOTAL APPROPRIATION \$465,000**

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to facilitate the colocation, including remodeling costs, of the office of Indian Affairs into the same facility shared by the commission on Asian Pacific American Affairs, commission on African American Affairs, and the commission on Hispanic Affairs.

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

**COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2004) \$192,000

General Fund--State Appropriation (FY 2005) \$192,000

**TOTAL APPROPRIATION \$384,000**

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**

STATE TREASURER

State Treasurer's Service Account--State Appropriation \$12,713,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**

STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$1,506,000

General Fund--State Appropriation (FY 2005) \$707,000

State Auditing Services Revolving Account--State Appropriation \$12,015,000

TOTAL APPROPRIATION \$14,228,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$706,000 of the general fund--state appropriation for fiscal year 2004 and \$707,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$800,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to implement Substitute Senate Bill No. 5909 (governmental accountability). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2004) \$80,000

General Fund--State Appropriation (FY 2005) \$154,000

TOTAL APPROPRIATION \$234,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

ATTORNEY GENERAL

General Fund--State Appropriation (FY 2004) \$4,134,000

General Fund--State Appropriation (FY 2005) \$4,190,000

General Fund--Federal Appropriation \$2,841,000

Public Safety and Education Account--State Appropriation \$1,810,000

New Motor Vehicle Arbitration Account--State Appropriation \$1,180,000

Legal Services Revolving Account--State Appropriation \$164,809,000

Tobacco Prevention and Control Account--State Appropriation \$270,000

TOTAL APPROPRIATION \$179,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL**

CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2004) \$639,000

General Fund--State Appropriation (FY 2005) \$640,000

TOTAL APPROPRIATION \$1,279,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2004) \$59,278,000

General Fund--State Appropriation (FY 2005) \$58,624,000

General Fund--Federal Appropriation \$194,218,000  
 General Fund--Private/Local Appropriation \$10,598,000  
 Public Safety and Education Account--State Appropriation \$10,103,000  
 Public Works Assistance Account--State Appropriation \$1,929,000  
 Building Code Council Account--State Appropriation \$1,065,000  
 Administrative Contingency Account--State Appropriation \$1,774,000  
 Low-Income Weatherization Assistance Account--State Appropriation \$3,293,000  
 Violence Reduction and Drug Enforcement Account--State Appropriation \$8,596,000  
 Manufactured Home Installation Training Account--State Appropriation \$258,000  
 Community and Economic Development Fee Account--State Appropriation \$1,909,000  
 Washington Housing Trust Account--State Appropriation \$16,770,000  
 Public Facility Construction Loan Revolving Account--State Appropriation \$626,000  
 TOTAL APPROPRIATION \$369,041,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$572,919 to the office of financial management for criminal history records improvement;

(l) \$864,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(5) Up to \$300,000 of the Washington housing trust account appropriation shall be used to study the impacts of publicly funded housing projects on local services such as, but not limited to, fire and police services.

(6) \$697,000 of the community economic development account appropriation is provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under chapter 43.63A RCW shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(8) \$4,609,000 of the public safety and education account and \$2,824,000 of the violence reduction and drug enforcement account are provided solely for civil indigent legal services.

(9) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(10) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(11) \$400,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(12) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(14) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services.

(15) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(16) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(17) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(18) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(19) \$698,000 of the general fund--state appropriation for fiscal year 2004, \$698,000 of the general fund--state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(20) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(21) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(22) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(23) Within amounts provided in this section, sufficient funding is provided to implement Second Substitute House Bill No. 1973 (promoting tourism).

(24) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(25) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge

counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(26) \$10,000 of the general fund--state appropriation for fiscal year 2004 and \$10,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the purpose of determining boundaries for the aviation mitigation zones pursuant to House Bill No. 2276.

(27) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**  
**ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$518,000  
General Fund--State Appropriation (FY 2005) \$519,000  
TOTAL APPROPRIATION \$1,037,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2004) \$13,736,000  
General Fund--State Appropriation (FY 2005) \$13,454,000  
General Fund--Federal Appropriation \$23,492,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$230,000  
State Auditing Services Revolving Account--State Appropriation \$25,000  
TOTAL APPROPRIATION \$50,937,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$607,000 of the general fund--state appropriation for fiscal year 2004 and \$599,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Substitute Senate Bill No. 5909 (governmental accountability). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement a pilot project to develop an integrated environmental permit system pursuant to Substitute Senate Bill No. 5694. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(3) No later than November 15, 2003, the office of financial management shall report to the house of representatives and senate committees on appropriations, ways and means, capital budget, and transportation the ten priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority shall include a proposed set of cross-agency activities with activity definitions and outcome measures. For purposes of historical comparison, the office of financial management shall restate 2001-03 expenditures and 2003-05 appropriations in this format, organized by priority, activity, fund source, and agency.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State Appropriation \$24,561,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**  
**DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State Appropriation \$15,850,000  
Higher Education Personnel Services Account--State Appropriation \$1,616,000  
TOTAL APPROPRIATION \$17,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to \$32,095,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and operationalize a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of

mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY**  
**WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State Appropriation \$22,826,000

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**  
**COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2004) \$201,000

General Fund--State Appropriation (FY 2005) \$201,000

TOTAL APPROPRIATION \$402,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**  
**COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2004) \$196,000

General Fund--State Appropriation (FY 2005) \$197,000

TOTAL APPROPRIATION \$393,000

**NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD**  
**PERSONNEL APPEALS BOARD**

Department of Personnel Service Account--State Appropriation \$1,729,000

**NEW SECTION. Sec. 135. FOR THE STATE INVESTMENT BOARD**  
**STATE INVESTMENT BOARD**

General Fund--State Appropriation (FY 2004) \$100,000

State Investment Board Expense Account--State Appropriation \$13,320,000

TOTAL APPROPRIATION \$13,420,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a contract with a real estate investment consultant to prepare options and a recommended strategy for the disposal of surplus property that results from the closure of Fircrest School. The report shall be submitted to the appropriate committees of the legislature by December 1, 2003. In developing the recommended strategy, the contractor shall consult with representatives of the city of Shoreline and shall identify the disposal strategy that is estimated to produce the greatest long-term investment return on the property.

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--**  
**OPERATIONS**

**DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State Appropriation \$367,000

Department of Retirement Systems Expense Account--State Appropriation \$44,833,000

TOTAL APPROPRIATION \$45,200,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,083,000 of the department of retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(2) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute Senate Bill No. 5094 (substitute teachers' retirement credit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100 (fallen hero survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.



(4) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206 (plan 3 contributions). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(5) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207 (employee death benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) \$582,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829 (retire-rehire reform). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(7) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202 (emergency medical technicians' retirement). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) \$31,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1519 (unreduced duty death survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

**DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2004) \$79,922,000

General Fund--State Appropriation (FY 2005) \$79,416,000

Timber Tax Distribution Account--State Appropriation \$5,215,000

Waste Reduction/Recycling/Litter Control--State Appropriation \$101,000

State Toxics Control Account--State Appropriation \$67,000

Oil Spill Prevention Account--State Appropriation \$14,000

**TOTAL APPROPRIATION \$164,735,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$145,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Senate Bill No. 5034 (property tax relief for senior citizens due to disability). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$93,000 of the general fund--state appropriation for fiscal year 2004 and \$210,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Senate Bill No. 5783 (implementation of the streamlined sales tax agreement). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) \$104,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the implementation of Engrossed House Bill No. 2030 (B&O tax uniformity). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**

**BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2004) \$1,159,000

General Fund--State Appropriation (FY 2005) \$1,006,000

**TOTAL APPROPRIATION \$2,165,000**

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**

**MUNICIPAL RESEARCH COUNCIL**

County Research Services Account--State Appropriation \$769,000

City and Town Research Services--State Appropriation \$3,852,000

**TOTAL APPROPRIATION \$4,621,000**

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS**

**ENTERPRISES**

**OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State \$1,994,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office's revolving fund charges to state agencies may not exceed \$1,282,000.

(2) During the 2003-05 biennium, the office of minority and women's business enterprises may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office of minority and women's business enterprises and

spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(3) During fiscal year 2004, the office may raise fees in excess of the fiscal growth factor.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
DEPARTMENT OF GENERAL ADMINISTRATION  
General Fund--State Appropriation (FY 2004) \$263,000  
General Fund--State Appropriation (FY 2005) \$265,000  
General Fund--Federal Appropriation \$3,217,000  
General Administration Service Account--State Appropriation \$38,328,000  
TOTAL APPROPRIATION \$42,073,000

The appropriations in this section are subject to the following conditions and limitations: Beginning on the effective date of this act, the department of general administration shall not purchase or lease any additional automobiles for the state motor pool unless the director of general administration determines that the purchase or lease is necessary for the safety of state personnel.

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**  
DEPARTMENT OF INFORMATION SERVICES  
General Fund--State Appropriation (FY 2004) \$1,000,000  
General Fund--State Appropriation (FY 2005) \$1,000,000  
Data Processing Revolving Account--State Appropriation \$3,587,000  
TOTAL APPROPRIATION \$5,587,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital resources, learning tools, and online classes.

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**  
INSURANCE COMMISSIONER  
General Fund--Federal Appropriation \$635,000  
Insurance Commissioners Regulatory Account--State Appropriation \$31,148,000  
TOTAL APPROPRIATION \$31,783,000

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**  
BOARD OF ACCOUNTANCY  
Certified Public Accountants' Account--State Appropriation \$1,895,000

The appropriation in this section is subject to the following conditions and limitations: \$260,000 of the certified public accountants' account appropriation is provided solely for the implementation of Substitute House Bill No. 1211 (public accountancy act). If the bill is not enacted by June 30, 2003, this amount shall lapse.

**NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL**  
FORENSIC INVESTIGATION COUNCIL  
Death Investigations Account--State Appropriation \$274,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION**  
HORSE RACING COMMISSION  
Horse Racing Commission Account--State Appropriation \$4,621,000

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD**  
LIQUOR CONTROL BOARD  
General Fund--State Appropriation (FY 2004) \$1,459,000

General Fund--State Appropriation (FY 2005) \$1,460,000  
Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000  
Liquor Revolving Account--State Appropriation \$132,374,000  
TOTAL APPROPRIATION \$141,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the completion of the merchandising business system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with purchasing merchandise business system software and hardware-related items, and hiring system-related staff.

(3) No moneys under this appropriation shall be spent for authorizing or adopting an alcohol impact area under chapter 314-12 WAC or any additional modifications to an existing alcohol impact area under chapter 314-12 WAC until an existing study of a current alcohol impact area is completed by the board or by April 1, 2004, whichever is later.

**NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION  
UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State Appropriation \$26,035,000  
Pipeline Safety Account--State Appropriation \$2,774,000  
Pipeline Safety Account--Federal Appropriation \$1,049,000  
TOTAL APPROPRIATION \$29,858,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature on July 1st of 2003 and 2004 a list of authorized travel.

(2) Consistent with the purposes of RCW 80.01.080, the commission may accept reimbursement for travel by its employees to participate in multistate regulatory matters.

(3) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS  
BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation \$699,000

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT  
MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2004) \$8,493,000  
General Fund--State Appropriation (FY 2005) \$8,230,000  
General Fund--Federal Appropriation \$81,967,000  
General Fund--Private/Local Appropriation \$365,000  
Enhanced 911 Account--State Appropriation \$33,941,000  
Disaster Response Account--State Appropriation \$190,000  
Worker and Community Right-to-Know Account--State Appropriation \$287,000  
Nisqually Earthquake Account--State Appropriation \$13,117,000  
Nisqually Earthquake Account--Federal Appropriation \$48,699,000  
TOTAL APPROPRIATION \$195,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund

balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) \$10,117,000 of the Nisqually earthquake account--state appropriation and \$48,699,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$53,555,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$500,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$39,917,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

(5) \$100,000 of the general fund--state fiscal year 2004 appropriation and \$100,000 of the general fund--state fiscal year 2005 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(6) \$35,000 of the general fund--state fiscal year 2004 appropriation and \$35,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the north county emergency medical service.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,381,000

General Fund--State Appropriation (FY 2005) \$2,455,000

Department of Personnel Service Account--State Appropriation \$2,545,000

**TOTAL APPROPRIATION \$7,381,000**

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD**  
GROWTH PLANNING HEARINGS BOARD  
General Fund--State Appropriation (FY 2004) \$1,572,000  
General Fund--State Appropriation (FY 2005) \$1,508,000  
TOTAL APPROPRIATION \$3,080,000

**NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER**  
STATE CONVENTION AND TRADE CENTER  
State Convention and Trade Center Account--State Appropriation \$31,037,000  
State Convention and Trade Center Operating Account--State Appropriation \$40,581,000  
TOTAL APPROPRIATION \$71,618,000

## **PART II HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**  
(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM  
General Fund--State Appropriation (FY 2004) \$229,414,000  
General Fund--State Appropriation (FY 2005) \$234,152,000  
General Fund--Federal Appropriation \$413,067,000  
General Fund--Private/Local Appropriation \$400,000  
Public Safety and Education Account--State Appropriation \$23,920,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$5,358,000  
TOTAL APPROPRIATION \$906,311,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children

from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(5) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- JUVENILE REHABILITATION PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2004) \$73,797,000

General Fund--State Appropriation (FY 2005) \$71,942,000

General Fund--Federal Appropriation \$12,207,000

General Fund--Private/Local Appropriation \$1,098,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$35,471,000

Juvenile Accountability Incentive Account--Federal Appropriation \$9,139,000

**TOTAL APPROPRIATION \$203,654,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$696,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,066,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,206,000 of the general fund--state appropriation for fiscal year 2004, \$1,206,000 of the general fund--state appropriation for fiscal year 2005, and \$5,274,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,549,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(6) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(7) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(8) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(9) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative. The juvenile rehabilitation administration shall report to the legislature on the formula used and the transferred funding amounts, on a semiannual basis, by county.

(10) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute of public policy.

(11) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

(12) \$1,478,000 of the juvenile accountability incentive account-- federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(13) \$2,853,000 of the general fund--state appropriation for fiscal year 2004 and \$3,907,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$831,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the juvenile courts for additional research-based probation services for youth with local dispositions that include community supervision pursuant to chapter 13.40 RCW. The juvenile rehabilitation administration, in consultation with the juvenile court administrators and the Washington state institute for public policy, shall develop a funding formula that distributes the moneys appropriated in this subsection in an equitable manner and in a way that considers county-by-county differences in probation services.

(15) The juvenile rehabilitation administration shall allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

(16) Amounts specified in this section in the conditions and limitations on appropriations of the violence reduction and drug enforcement account may be reduced by up to five percent by the department to effectively manage the reduced appropriation level of the account.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MENTAL HEALTH PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2004) \$209,033,000

General Fund--State Appropriation (FY 2005) \$213,936,000

General Fund--Federal Appropriation \$371,141,000

General Fund--Local Appropriation \$1,970,000  
Health Services Account--State Appropriation \$2,450,000  
TOTAL APPROPRIATION \$798,530,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(e) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals that do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local and three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(f) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2004 increases by up to 5.0 percent over the amount actually paid to that



regional support network in fiscal year 2003, and by up to an additional 5.0 percent in fiscal year 2005, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$92,626,000  
General Fund--State Appropriation (FY 2005) \$91,404,000  
General Fund--Federal Appropriation \$134,274,000  
General Fund--Private/Local Appropriation \$26,342,000  
TOTAL APPROPRIATION \$344,646,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

#### (3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) \$29,827,000  
General Fund--State Appropriation (FY 2005) \$33,296,000  
TOTAL APPROPRIATION \$63,123,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities on McNeil Island for persons conditionally released from the special commitment center facility. Of this amount, \$45,000 per year shall be paid to the City of Lakewood on September 1, 2003, and September 1, 2004, for police protection at western state hospital and adjacent areas as partial reimbursement for services provided, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) \$1,065,000 of the general fund--state appropriation for fiscal year 2004 and \$111,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the purchase of a vessel to provide transportation to McNeil Island, consistent with increased staffing.

(d) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county. In selecting a site, the department is encouraged to purchase or lease a site in an industrial area close to employment opportunities and treatment services, in an effort to reduce operating expenditures related to transportation and staff time.

(e) \$1,057,000 of the general fund--state appropriation for fiscal year 2004 and \$1,118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the following enhancements at the secure community transition facility on McNeil Island. Notwithstanding any other provision of law, the department shall implement these enhancements:

(i) Increase the supervisory staffing ratio from one staff per three residents to one staff per resident during normal waking hours and from one awake staff per four residents to one awake staff per three residents during normal sleeping hours; and

(ii) Maintain a twenty-four-hour law enforcement presence in addition to the emergency response team already providing a law enforcement presence on McNeil Island.

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$2,082,000

#### (5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,729,000  
General Fund--State Appropriation (FY 2005) \$2,637,000  
General Fund--Federal Appropriation \$4,759,000

TOTAL APPROPRIATION \$10,125,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
DEVELOPMENTAL DISABILITIES PROGRAM**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2004) \$271,224,000  
General Fund--State Appropriation (FY 2005) \$265,628,000  
General Fund--Federal Appropriation \$435,844,000  
Health Services Account--State Appropriation \$1,038,000  
TOTAL APPROPRIATION \$973,734,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$1,038,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 175 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) The department shall work with representatives of community residential service providers and representatives of persons served in community residential programs to identify current rules and policies that are redundant and/or are not helpful to positive client outcomes. The department shall modify or repeal the rules and policies identified and report the results to the appropriate committees of the legislature by July 1, 2004.

(c) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department may transfer a portion of this amount to other programs within the agency to accomplish this purpose. To the extent that the required expenditure level must be met by funding new services, expansion of the high school transition program shall be the first priority.

(d) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$71,782,000  
General Fund--State Appropriation (FY 2005) \$63,380,000  
General Fund--Federal Appropriation \$137,296,000  
General Fund--Private/Local Appropriation \$11,228,000  
TOTAL APPROPRIATION \$283,686,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that additional residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,201,000  
General Fund--State Appropriation (FY 2005) \$2,200,000

General Fund--Federal Appropriation \$2,898,000  
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$1,782,000  
TOTAL APPROPRIATION \$9,081,000

The appropriations in this subsection are subject to the following conditions and limitations: The department shall submit a report to the fiscal committees of the legislature by December 1, 2003, describing progress in consolidating program administrative functions within the aging and disabilities administration to ensure that the overspending of the appropriations for program support in the developmental disabilities program in prior fiscal periods does not continue.

(4) SPECIAL PROJECTS  
General Fund--Federal Appropriation \$11,997,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
AGING AND ADULT SERVICES PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$548,451,000

General Fund--State Appropriation (FY 2005) \$555,567,000

General Fund--Federal Appropriation \$1,137,168,000

General Fund--Private/Local Appropriation \$18,644,000

Health Services Account--State Appropriation \$4,888,000

TOTAL APPROPRIATION \$2,264,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, \$1,476,000 of the general fund--state appropriation for fiscal year 2005, and \$7,284,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 175 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$144.54 for fiscal year 2004, and no more than \$147.43 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver program shall not exceed 600 persons by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005.

(b) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver program, on monthly management reports.

(c) The department shall track and report to the health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver program, how those services were being paid for, and an assessment of their adequacy.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW that meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In

establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$163,000 of the general fund--state appropriation for fiscal year 2004 and \$162,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of Substitute Senate Bill No. 5904 (senior drug assistance). If Substitute Senate Bill No. 5904 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(9) \$6,736,000 of the general fund--state appropriation for fiscal year 2004, \$7,563,000 of the general fund--state appropriation for fiscal year 2005, and \$13,171,000 of the general fund--federal appropriation are provided solely for direct client services under the adult day health program. The department shall not use any of the funds appropriated in this subsection to employ staff or contractors to conduct eligibility determination or service plan development for current or prospective recipients of adult day health services.

(10) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(11) The department is authorized to increase the nursing facility direct care component rate allocation calculated under RCW 74.46.506 to the extent necessary to avoid more expensive care for adults who have tracheostomies or who are ventilator dependent, and for medically fragile children. The department shall establish criteria and methods for such exceptional care payments in rule.

(12) Within funds appropriated in this section and within section 205 of this act, the department shall assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ECONOMIC SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$403,182,000

General Fund--State Appropriation (FY 2005) \$395,401,000

General Fund--Federal Appropriation \$1,373,091,000

General Fund--Private/Local Appropriation \$36,704,000

**TOTAL APPROPRIATION \$2,208,378,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Within funds provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels. The office of financial management shall place an amount of the general fund--federal appropriation in unallotted status in order to align the appropriations for WorkFirst to the submitted spending plan.

(c) Include an urban adjustment factor for child care providers in urban areas of region 1.

(2) \$42,759,120 of the general fund--state appropriation for fiscal year 2004 and \$35,650,261 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$13,852,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(5) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE**

**PROGRAM** General Fund--State Appropriation (FY 2004) \$37,398,000

General Fund--State Appropriation (FY 2005) \$37,385,000

General Fund--Federal Appropriation \$90,655,000

General Fund--Private/Local Appropriation \$630,000

Public Safety and Education Account--State Appropriation \$10,860,000

Criminal Justice Treatment Account--State Appropriation \$8,950,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$45,925,000

**TOTAL APPROPRIATION \$231,803,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the general fund--state appropriation for fiscal year 2004 and \$1,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for expansion of treatment services in the alcoholism and drug addiction treatment support act (ADATSA) program. If Second Substitute Senate Bill No. 6017 is not enacted by June 30, 2003, the amount provided shall lapse.

(2) \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$1,176,552,000

General Fund--State Appropriation (FY 2005) \$1,256,131,000

General Fund--Federal Appropriation \$3,726,997,000

General Fund--Private/Local Appropriation \$272,040,000

Health Services Account--State Appropriation \$738,173,000

Emergency Medical Services and Trauma Care Systems Account--State Appropriation \$14,500,000

**TOTAL APPROPRIATION \$7,184,393,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 74.46.625, \$52,057,000 of the fiscal year 2004 health services account appropriation, \$35,016,000 of the fiscal year 2005 health services account appropriation, and \$87,074,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 95 percent of the supplemental payments; (b) a contractual commitment by the association of public hospital districts to return at least 5 percent of the supplemental payments to the participating rural hospital districts; and (c) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$8,700,000 for the 2003-05 biennium.

(2) \$14,616,000 of the health services account appropriation for fiscal year 2004, \$12,394,000 of the health services account appropriation for fiscal year 2005, and \$27,010,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by

hospitals under these programs, or the maximum allowable under the state teaching hospitals' limits as set under federal rules, whichever is less.

(3) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level, and state children's health insurance program eligibility to those residing in households with incomes below 250 percent of the federal poverty level.

(4) For purposes of RCW 74.09.800, no funds are appropriated in this section to provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act.

(5) No funds are appropriated in this section for continued operation of the buy-in program authorized in RCW 74.09.510(7) and 74.09.540.

(6) Sufficient funds are appropriated in this section for the department to continue to provide podiatry services for medicaid-eligible adults.

(7) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 70 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(8) \$3,100,000 of the health services account appropriation, \$8,416,000 of the general fund--local appropriation, and \$11,516,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins.

(9) \$20,000,000 of the health services account appropriation and \$20,000,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins.

(10) The department shall establish managed care rates within available funds in a manner that promotes health plan efficiency, encourages continuity of service, and assures access in underserved areas.

(11) The department shall separately track the total amount of any rebates obtained from drug manufacturers that are supplemental to the amounts required by federal law. The department shall report to the fiscal committees of the house of representatives and senate by January 15, 2004, and by January 15, 2005, on supplemental rebates negotiated to date, and their projected value through the end of the current and the next succeeding fiscal year. The report shall include options for using any rebate amounts in excess of those assumed in this budget to increase pharmacy reimbursement rates.

(12) \$156,000 of the general fund--state appropriation for fiscal year 2004 and \$1,403,000 of the general fund--federal appropriation are provided solely for a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches. The department shall receive specific authorization in the 2003-05 appropriations act before proceeding with procurement of the replacement system.

(13) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(14) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(15) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(17) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(18) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network.

The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(19) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
VOCATIONAL REHABILITATION PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) \$10,151,000

General Fund--State Appropriation (FY 2005) \$10,121,000

General Fund--Federal Appropriation \$84,705,000

General Fund--Private/Local Appropriation \$440,000

TOTAL APPROPRIATION \$105,417,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING  
SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$30,454,000

General Fund--State Appropriation (FY 2005) \$28,423,000

General Fund--Federal Appropriation \$59,258,000

General Fund--Private/Local Appropriation \$810,000

TOTAL APPROPRIATION \$118,945,000

The appropriations in this section are subject to the following conditions and limitations: \$1,962,000 of the general fund--state appropriation for fiscal year 2004, \$1,963,000 of the general fund-- state appropriation for 2005, and \$3,925,000 of the general fund-- federal appropriation are provided solely for transition costs associated with the closure of Fircrest school as directed by Engrossed Senate Bill No. 5971. To minimize the disruption to the ongoing work plan of the developmental disabilities program, the department shall organize the Fircrest school closure and resident transition effort to report to an organizational unit outside the division of developmental disabilities. Within the funds provided in this subsection, the department shall:

(a) Contract with a cost report expert to determine appropriate ways to maximize federal reimbursement during the closure of the facility;

(b) Negotiate with representatives of employees affected by the closure to determine how to assist employees who need help to relocate to other state jobs, to transition to private sector positions, to retire early, or to cover the costs of unemployment benefits.

(c) Keep the appropriate committees of the legislature informed of the development of and revisions to a work plan to close the facility through regular written reports, periodic e-mail updates to committee members and staff, and/or through other means that keep the committees up-to-date on the progress of the closure.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
PAYMENTS TO OTHER AGENCIES PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2004) \$43,882,000

General Fund--State Appropriation (FY 2005) \$43,882,000

General Fund--Federal Appropriation \$43,674,000

TOTAL APPROPRIATION \$131,438,000

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY  
STATE HEALTH CARE AUTHORITY**

General Fund--Federal Appropriation \$3,358,000

State Health Care Authority Administrative Account--State Appropriation \$17,499,000

Medical Aid Account--State Appropriation \$128,000

Health Services Account--State Appropriation \$415,426,000

TOTAL APPROPRIATION \$436,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes at or below 175 percent of the federal poverty level

shall be allowed to enroll in the basic health plan at a cost of twelve dollars and fifty cents per covered worker per month.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of twenty-five dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of thirty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(3) Until January 1, 2004, the health care authority shall admit new members to the basic health plan only to the extent authorized under the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

(4) \$162,500,000 of the health services account appropriation is provided solely for expenditure in calendar year 2004, and \$91,000,000 of the health services account appropriation is provided solely for expenditure in calendar year 2005, to subsidize basic health plan coverage for persons with family incomes at or below 175 percent of the federal poverty level.

(5) \$500,000 of the health services account appropriation is provided solely for a contract with a university or other qualified organization to link state residents with manufacturer-sponsored drug discount programs as provided in Substitute Senate Bill No. 5904. If Substitute Senate Bill No. 5904 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) \$1,365,000 of the health services account appropriation is provided solely for start-up funding for a purchasing pool that will enable certain state residents to benefit from the discounted prices the state is able to achieve as a result of its volume purchasing power as provided in Substitute Senate Bill No. 5904. If Substitute Senate Bill No. 5904 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(7) \$5,000,000 of the health services account appropriation is provided solely for distribution to community clinics for provision of prenatal care for women no longer eligible for such services from the department of social and health services due to their immigration status. These funds shall be distributed among clinics proportional to their historic levels of service to such persons.

(8) \$6,000,000 of the health services account--state appropriation is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

**NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**  
**HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,408,000  
General Fund--State Appropriation (FY 2005) \$2,447,000  
General Fund--Federal Appropriation \$1,523,000  
General Fund--Private/Local Appropriation \$100,000  
TOTAL APPROPRIATION \$6,478,000

**NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**  
**BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation \$20,000  
Accident Account--State Appropriation \$15,152,000  
Medical Aid Account--State Appropriation \$15,151,000  
TOTAL APPROPRIATION \$30,323,000

The appropriations in this section are subject to the following conditions and limitations: \$192,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementing the provisions of Senate Bill No. 5271 (workers compensation/hearing loss). If the bill is not enacted by June 30, 2003, the amounts provided shall lapse.

**NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
**CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account--State Appropriation \$148,000  
Public Safety and Education Account--State Appropriation \$18,098,000  
Municipal Criminal Justice Assistance Account--Private/Local Appropriation \$460,000  
TOTAL APPROPRIATION \$18,706,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the



local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(4) \$250,000 of the public safety and education account appropriation is provided solely to the Washington association of sheriffs and police chiefs for the staffing and support of a web site to provide information about sex offenders.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**  
**DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2004) \$5,848,000  
General Fund--State Appropriation (FY 2005) \$5,821,000  
Public Safety and Education Account--State Appropriation \$22,338,000  
Public Safety and Education Account--Federal Appropriation \$8,462,000  
Asbestos Account--State Appropriation \$683,000  
Electrical License Account--State Appropriation \$28,469,000  
Farm Labor Revolving Account--Private/Local Appropriation \$28,000  
Worker and Community Right-to-Know Account--State Appropriation \$2,507,000  
Public Works Administration Account--State Appropriation \$2,281,000  
Accident Account--State Appropriation \$189,300,000  
Accident Account--Federal Appropriation \$13,384,000  
Medical Aid Account--State Appropriation \$188,468,000  
Medical Aid Account--Federal Appropriation \$2,948,000  
Plumbing Certificate Account--State Appropriation \$1,441,000  
Pressure Systems Safety Account--State Appropriation \$2,768,000  
TOTAL APPROPRIATION \$474,746,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims' compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) utilize other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,400,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims' compensation program.

(2) \$314,000 of the accident account--state appropriation and \$56,000 of the medical aid account--state appropriation are provided solely for implementing Second Substitute Senate Bill No. 5890 (agricultural workers). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(3) \$1,000,000 of the accident account--state appropriation and \$1,000,000 of the medical aid account--state appropriation are provided solely for implementing Substitute Senate Bill No. 5378 (workers compensation). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(4) \$207,000 of the plumbing certificate account--state appropriation and \$268,000 of the pressure systems safety account--state appropriation are provided solely for implementing Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**  
**INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2004) \$989,000  
General Fund--State Appropriation (FY 2005) \$989,000  
TOTAL APPROPRIATION \$1,978,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
**DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2004) \$1,561,000  
General Fund--State Appropriation (FY 2005) \$1,562,000  
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000  
TOTAL APPROPRIATION \$3,134,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) \$2,596,000  
General Fund--State Appropriation (FY 2005) \$2,596,000  
General Fund--Federal Appropriation \$304,000  
General Fund--Private/Local Appropriation \$1,679,000  
TOTAL APPROPRIATION \$7,175,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$7,500,000  
General Fund--State Appropriation (FY 2005) \$5,918,000  
General Fund--Federal Appropriation \$27,161,000  
General Fund--Private/Local Appropriation \$27,779,000  
TOTAL APPROPRIATION \$68,358,000

**NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY**

HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2004) \$405,000  
General Fund--State Appropriation (FY 2005) \$252,000  
TOTAL APPROPRIATION \$657,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the design and development of the home care provider registry mandated by Initiative Measure No. 775.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2004) \$55,481,000  
General Fund--State Appropriation (FY 2005) \$57,646,000  
General Fund--Federal Appropriation \$349,128,000  
General Fund--Private/Local Appropriation \$92,723,000  
Hospital Commission Account--State Appropriation \$2,490,000  
Health Professions Account--State Appropriation \$40,176,000  
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$12,560,000  
Safe Drinking Water Account--State Appropriation \$2,736,000  
Drinking Water Assistance Account--Federal Appropriation \$13,518,000  
Waterworks Operator Certification--State Appropriation \$637,000  
Water Quality Account--State Appropriation \$3,373,000  
State Toxics Control Account--State Appropriation \$2,773,000  
Medical Test Site Licensure Account--State Appropriation \$1,718,000  
Youth Tobacco Prevention Account--State Appropriation \$1,806,000  
Accident Account--State Appropriation \$260,000  
Medical Aid Account--State Appropriation \$46,000  
Health Services Account--State Appropriation \$34,293,000  
Tobacco Prevention and Control Account--State Appropriation \$52,516,000  
TOTAL APPROPRIATION \$723,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, and newborn screening programs in excess of the fiscal growth factor under chapter 43.135 RCW if necessary to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,488,000 of the general fund--state fiscal year 2004 appropriation and \$1,489,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection,

"unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$21,650,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545. If Substitute Senate Bill No. 5545 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**  
**DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2004) \$38,107,000

General Fund--State Appropriation (FY 2005) \$35,124,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$26,000

Public Safety and Education Account--State Appropriation \$3,624,000

**TOTAL APPROPRIATION \$76,881,000**

The appropriations in this subsection are subject to the following conditions and limitations: \$3,250,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2004) \$440,797,000

General Fund--State Appropriation (FY 2005) \$449,432,000

General Fund--Federal Appropriation \$8,746,000

Institutional Welfare Betterment Fund--State Appropriation \$1,400,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$4,350,000

**TOTAL APPROPRIATION \$904,725,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(d) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(e) During the 2003-2005 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) \$2,984,000 of the violence reduction and drug enforcement appropriation is provided solely for chemical dependency treatment to offenders pursuant to the drug reform act of 2002.

**(3) COMMUNITY SUPERVISION**

General Fund--State Appropriation (FY 2004) \$74,617,000  
General Fund--State Appropriation (FY 2005) \$73,166,000  
Public Safety and Education Account--State Appropriation \$15,492,000  
TOTAL APPROPRIATION \$163,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$3,500,000 of the general fund--state appropriation for fiscal year 2004 and \$3,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for enhanced supervision by community corrections officers of offenders classified in risk classifications RM-A and RM-B.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot; and

(I) Limitations in the pilot to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

#### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$642,000

General Fund--State Appropriation (FY 2005) \$642,000

TOTAL APPROPRIATION \$1,284,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

#### (5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) \$27,951,000  
General Fund--State Appropriation (FY 2005) \$27,986,000  
TOTAL APPROPRIATION \$55,937,000

**Sec. 223.** 2003 c 10 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.**

DEPARTMENT OF CORRECTIONS The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000  
General Fund--State Appropriation (FY 2003) (~~(\$36,239,000)~~) \$32,989,000  
Public Safety and Education Account--State Appropriation \$1,576,000  
Violence Reduction and Drug Enforcement Account Appropriation \$3,254,000  
TOTAL APPROPRIATION (~~(\$77,855,000)~~) \$74,605,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$4,623,000)~~) \$1,373,000 of the general fund-- state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender- based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000  
General Fund--State Appropriation (FY 2003) \$433,915,000  
General Fund--Federal Appropriation \$9,936,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$1,596,000  
Public Health Services Account Appropriation \$1,453,000  
TOTAL APPROPRIATION \$851,290,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.
- (b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.
- (c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.
- (e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable

compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

### (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000

General Fund--State Appropriation (FY 2003) \$77,436,000

General Fund--Federal Appropriation \$870,000

Public Safety and Education Account--State Appropriation \$15,493,000

TOTAL APPROPRIATION \$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000

General Fund--State Appropriation (FY 2003) \$629,000

TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

### (5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$18,568,000

General Fund--State Appropriation (FY 2003) \$18,569,000

TOTAL APPROPRIATION \$37,137,000

### **NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$1,773,000

General Fund--State Appropriation (FY 2005) \$1,773,000

General Fund--Federal Appropriation \$14,334,000

General Fund--Private/Local Appropriation \$80,000  
TOTAL APPROPRIATION \$17,960,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**  
SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2004) \$737,000  
General Fund--State Appropriation (FY 2005) \$741,000  
TOTAL APPROPRIATION \$1,478,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$265,438,000  
General Fund--Private/Local Appropriation \$29,861,000  
Unemployment Compensation Administration Account--Federal Appropriation \$178,405,000  
Administrative Contingency Account--State Appropriation \$13,400,000  
Employment Service Administrative Account--State Appropriation \$22,654,000  
TOTAL APPROPRIATION \$509,758,000

**PART III**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**  
COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2004) \$278,000  
General Fund--State Appropriation (FY 2005) \$284,000  
General Fund--Private/Local Appropriation \$537,000  
TOTAL APPROPRIATION \$1,099,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) \$32,550,000  
General Fund--State Appropriation (FY 2005) \$32,351,000  
General Fund--Federal Appropriation \$56,820,000  
General Fund--Private/Local Appropriation \$3,658,000  
Special Grass Seed Burning Research Account--State Appropriation \$14,000  
Reclamation Account--State Appropriation \$2,752,000  
Flood Control Assistance Account--State Appropriation \$2,012,000  
State Emergency Water Projects Revolving Account--State Appropriation \$551,000  
Waste Reduction/Recycling/Litter Control--State Appropriation \$13,656,000  
State Drought Preparedness--State Appropriation \$1,707,000  
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$591,000  
Site Closure Account--State Appropriation \$629,000  
Water Quality Account--State Appropriation \$25,163,000  
Wood Stove Education and Enforcement Account--State Appropriation \$356,000  
Worker and Community Right-to-Know Account--State Appropriation \$3,317,000  
State Toxics Control Account--State Appropriation \$58,900,000  
State Toxics Control Account--Private/Local Appropriation \$352,000  
Local Toxics Control Account--State Appropriation \$4,837,000  
Water Quality Permit Account--State Appropriation \$24,997,000  
Underground Storage Tank Account--State Appropriation \$2,689,000  
Environmental Excellence Account--State Appropriation \$504,000  
Biosolids Permit Account--State Appropriation \$782,000  
Hazardous Waste Assistance Account--State Appropriation \$4,150,000  
Air Pollution Control Account--State Appropriation \$1,643,000  
Oil Spill Prevention Account--State Appropriation \$7,674,000  
Air Operating Permit Account--State Appropriation \$3,667,000  
Freshwater Aquatic Weeds Account--State Appropriation \$2,502,000  
Oil Spill Response Account--State Appropriation \$7,078,000  
Metals Mining Account--State Appropriation \$19,000  
Water Pollution Control Revolving Account--State Appropriation \$379,000  
Water Pollution Control Revolving Account--Federal Appropriation \$1,850,000  
TOTAL APPROPRIATION \$298,150,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,708,196 of the general fund--state appropriation for fiscal year 2004, \$2,708,196 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$2,104,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(5) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(6) The water quality account--state appropriation is deemed sufficient to implement Substitute Senate Bill No. 5027 (watershed planning).

(7) The appropriations in this section are deemed sufficient to implement Substitute Senate Bill No. 5024 (municipal water rights).

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

(9) \$166,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury). If Engrossed Substitute House Bill No. 1002 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2004) \$30,099,000

General Fund--State Appropriation (FY 2005) \$30,086,000

General Fund--Federal Appropriation \$2,647,000

General Fund--Private/Local Appropriation \$63,000

Winter Recreation Program Account--State Appropriation \$1,074,000

Off Road Vehicle Account--State Appropriation \$266,000

Snowmobile Account--State Appropriation \$4,668,000

Aquatic Lands Enhancement Account--State Appropriation \$327,000

Public Safety and Education Account--State Appropriation \$47,000

Water Trail Program Account--State Appropriation \$25,000

Parks Renewal and Stewardship Account--State Appropriation \$33,261,000

TOTAL APPROPRIATION \$102,563,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2004) \$1,261,000

General Fund--State Appropriation (FY 2005) \$1,271,000



General Fund--Federal Appropriation \$21,358,000  
Aquatic Lands Enhancement Account--State Appropriation \$254,000  
Water Quality Account--State Appropriation \$200,000  
Firearms Range Account--State Appropriation \$22,000  
Recreation Resources Account--State Appropriation \$2,538,000  
NOVA Program Account--State Appropriation \$659,000  
TOTAL APPROPRIATION \$27,563,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2004 and \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement priority recommendations developed by the monitoring oversight committee as directed by RCW 77.85.210. Within these funds, activity shall be directed to improve monitoring oversight within watersheds, enhance data coordination and access among recovery partners, and produce a state watershed health report card.

(2) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be allocated to the department of natural resources and the department of fish and wildlife.

(3) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

(4) \$813,000 of the general fund--state appropriation for fiscal year 2004, \$813,000 of the general fund--state appropriation for fiscal year 2005, and \$5,000,000 of the general fund--federal appropriation are provided to the salmon recovery funding board for distribution to lead entities and regional recovery boards. The board shall establish policies to require coordination of funding requests from lead entities and regional recovery boards to ensure that recovery efforts are synchronized. At the discretion of the board, funding shall be concentrated in watersheds within the highest priority salmon recovery regions as defined by the statewide strategy to recover salmon. The board shall also coordinate funding decisions with the northwest power planning council to ensure maximum efficiency and investment return.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**  
ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2004) \$931,000  
General Fund--State Appropriation (FY 2005) \$943,000  
TOTAL APPROPRIATION \$1,874,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**  
CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2004) \$2,186,000  
General Fund--State Appropriation (FY 2005) \$2,197,000  
Water Quality Account--State Appropriation \$2,168,000  
TOTAL APPROPRIATION \$6,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$68,000 of the general fund--state appropriation for fiscal year 2004 and \$71,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004) \$41,745,000  
General Fund--State Appropriation (FY 2005) \$40,163,000  
General Fund--Federal Appropriation \$31,507,000  
General Fund--Private/Local Appropriation \$24,190,000

Off Road Vehicle Account--State Appropriation \$471,000  
 Aquatic Lands Enhancement Account--State Appropriation \$5,570,000  
 Public Safety and Education Account--State Appropriation \$562,000  
 Recreational Fisheries Enhancement--State Appropriation \$3,370,000  
 Warm Water Game Fish Account--State Appropriation \$2,533,000  
 Eastern Washington Pheasant Enhancement Account--State Appropriation \$750,000  
 Wildlife Account--State Appropriation \$56,343,000  
 Wildlife Account--Federal Appropriation \$37,990,000  
 Wildlife Account--Private/Local Appropriation \$15,110,000  
 Game Special Wildlife Account--State Appropriation \$1,936,000  
 Game Special Wildlife Account--Federal Appropriation \$9,582,000  
 Game Special Wildlife Account--Private/Local Appropriation \$350,000  
 Water Quality Account--State Appropriation \$4,000  
 Environmental Excellence Account--State Appropriation \$15,000  
 Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$1,750,000  
 Oil Spill Prevention Account--State Appropriation \$977,000  
 Oyster Reserve Land Account--State Appropriation \$137,000  
 TOTAL APPROPRIATION \$275,055,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.
- (2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) \$850,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.
- (4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.
- (5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.
- (6) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.
- (7) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (8) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.
- (9) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.
- (10) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.
- (11) \$14,680,000 of the wildlife account--state appropriation is provided solely for the operation of the wildlife program and is contingent upon the department meeting the following conditions: In Okanogan, Ferry, Stevens, and Pend Oreille counties, the department shall not acquire properties with funds provided by the federal government, except in noncontiguous parcels less than five acres in size.
- (12) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.
- (13) \$67,000 of the general fund--state appropriation for fiscal year 2004 and \$67,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(15) \$145,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to implement Substitute Senate Bill No. 5375 (hydraulic project approval). If Substitute Senate Bill No. 5375 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(16) Within the amounts provided in this section, sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). The department shall enter into an interagency agreement with the conservation commission for the development of the Skagit tide gates and estuarine habitat plans. If the bill is not enacted by June 30, 2003, this subsection shall lapse.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2004) \$29,047,000

General Fund--State Appropriation (FY 2005) \$34,621,000

General Fund--Federal Appropriation \$3,809,000

General Fund--Private/Local Appropriation \$2,482,000

Forest Development Account--State Appropriation \$54,115,000

Off Road Vehicle Account--State Appropriation \$3,791,000

Surveys and Maps Account--State Appropriation \$2,730,000

Aquatic Lands Enhancement Account--State Appropriation \$6,977,000

Resources Management Cost Account--State Appropriation \$73,927,000

Surface Mining Reclamation Account--State Appropriation \$2,259,000

Water Quality Account--State Appropriation \$2,431,000

Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,299,000

Natural Resources Conservation Areas Stewardship Account--State Appropriation \$83,000

Air Pollution Control Account--State Appropriation \$521,000

Derelict Vessel Removal Account--State Appropriation \$1,130,000

Disaster Response Account--State Appropriation \$6,200,000

Agricultural College Trust Management Account--State Appropriation \$1,847,000

**TOTAL APPROPRIATION \$227,269,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$2,159,500 of the general fund--state appropriation for fiscal year 2004, \$8,359,500 of the general fund--state appropriation for fiscal year 2005, and \$6,200,000 of the disaster response account-- state appropriation are provided solely for emergency fire suppression.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.

(10) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(11) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, the office of the attorney general, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting). The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(12) \$208,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2004) \$7,467,000

General Fund--State Appropriation (FY 2005) \$7,259,000

General Fund--Federal Appropriation \$10,017,000

General Fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State Appropriation \$1,931,000

Water Quality Account--State Appropriation \$640,000

State Toxics Control Account--State Appropriation \$2,566,000

Water Quality Permit Account--State Appropriation \$110,000

**TOTAL APPROPRIATION \$31,100,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) The water quality account--state appropriation and the water quality permit account--state appropriation are provided solely to implement the dairy nutrient management program as transferred from the department of ecology by Engrossed Substitute Senate Bill No. 5889 (animal feeding operations). If Engrossed Substitute Senate Bill No. 5889 is not enacted by June 30, 2003, these appropriations shall be transferred to the department of ecology.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens). If Engrossed Substitute House Bill No. 1754 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY**  
**REINSURANCE PROGRAM**

**WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation \$914,000

**PART IV**  
**TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**  
**DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2004) \$5,009,000

General Fund--State Appropriation (FY 2005) \$5,013,000

Architects' License Account--State Appropriation \$695,000

Cemetery Account--State Appropriation \$238,000

Professional Engineers' Account--State Appropriation \$3,036,000

Real Estate Commission Account--State Appropriation \$7,133,000  
 Master License Account--State Appropriation \$9,125,000  
 Uniform Commercial Code Account--State Appropriation \$2,987,000  
 Real Estate Education Account--State Appropriation \$276,000  
 Real Estate Appraiser Commission Account--State Appropriation \$927,000  
 Real Estate Research Account--State Appropriation \$308,000  
 Funeral Directors and Embalmers Account--State Appropriation \$521,000  
 Geologists' Account--State Appropriation \$9,000  
 Data Processing Revolving Account--State Appropriation \$29,000  
**TOTAL APPROPRIATION \$35,306,000**

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

**STATE PATROL**

General Fund--State Appropriation (FY 2004) \$20,150,000  
 General Fund--State Appropriation (FY 2005) \$19,000,000  
 General Fund--Federal Appropriation \$4,260,000  
 General Fund--Private/Local Appropriation \$380,000  
 Death Investigations Account--State Appropriation \$4,503,000  
 Public Safety and Education Account--State Appropriation \$21,276,000  
 Enhanced 911 Account--State Appropriation \$612,000  
 County Criminal Justice Assistance Account--State Appropriation \$2,771,000  
 Municipal Criminal Justice Assistance Account--State Appropriation \$1,151,000  
 Fire Service Trust Account--State Appropriation \$127,000  
 Fire Service Training Account--State Appropriation \$7,384,000  
 State Toxics Control Account--State Appropriation \$438,000  
 Violence Reduction and Drug Enforcement Account--State Appropriation \$272,000  
 Fingerprint Identification Account--State Appropriation \$4,421,000  
**TOTAL APPROPRIATION \$86,745,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire services account-- state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$750,000 of the fire services training account--state appropriation is provided solely for the implementation of Engrossed House Bill No. 1109 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2004) \$11,874,000  
 General Fund--State Appropriation (FY 2005) \$11,863,000  
 General Fund--Federal Appropriation \$15,509,000  
**TOTAL APPROPRIATION \$39,246,000**

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,915,000 of the general fund--state appropriation for fiscal year 2004 and \$10,912,000 of the general fund--state appropriation for fiscal year 2005 are provided for the operation and expenses of the office of the superintendent of public instruction.

(b) \$407,000 of the general fund--state appropriation for fiscal year 2004 and \$407,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$395,000 of the general fund--state appropriation for fiscal year 2004 and \$395,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$157,000 of the general fund--state appropriation for fiscal year 2004 and \$149,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted before June 30, 2003, the amounts provided in this subsection shall lapse.

(e) The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

## (2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) \$7,026,000

General Fund--State Appropriation (FY 2005) \$7,391,000

General Fund--Federal Appropriation \$66,405,000

TOTAL APPROPRIATION \$80,823,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

### (a) HEALTH AND SAFETY

(i) A maximum of \$89,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$89,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(ii) \$400,000 of the general fund--federal appropriation transferred from the department of health is provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(iii) \$13,663,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) A maximum \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(v) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

(i) A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$540,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$540,000 of the general fund-- state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$757,000 of the general fund-- state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used for the professional educator standards board to continue existing alternative-route grant programs and create new alternative-route programs in regions of the state with service shortages.

(ii) A maximum of \$612,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$612,000 of the general fund-- state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(iii) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund-- state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(iv) \$1,433,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(v) \$9,510,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(vi) \$12,977,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after- school and inter-session activities for students.

(vii) \$302,000 of the fiscal year 2004 appropriation and \$671,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012. If Second Substitute House Bill No. 2012 is not enacted by June 30, 2003, these amounts shall lapse.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2004) \$3,949,796,000

General Fund--State Appropriation (FY 2005) \$3,966,361,000

TOTAL APPROPRIATION \$7,916,157,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;  
(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;  
(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding.

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2003-04 and 2004-05 school years, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and



(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.31 percent in the 2003-04 school year and 9.31 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.53 percent in the 2003-04 school year and 12.53 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(4) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,952 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,983 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$17,057 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teacher exclusive of salary increase amounts, if any, provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,190,000 for fiscal year 2004 and a maximum of \$3,202,000 during fiscal year 2005 outside the basic education formula as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$504,000 may be expended in fiscal year 2005; and

(b) A maximum of \$353,000 may be expended for school district emergencies;

(c) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended each fiscal year; and

(d) A maximum of \$485,000 for each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(12) \$159,000 of the general fund--state appropriation for fiscal year 2004 and \$1,181,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted before June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003- 04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 8.67 percent for school years 2003-04 and 2004-05 for certificated staff and 9.03 percent for school years 2003- 04 and 2004-05 for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following statewide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

2003-04 School Year

Years  
of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90
									or PHD
0	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836

8	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
	34,202							
9		37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272						
10			39,898	42,788	44,894	42,964	45,855	47,960
			38,477					
11				44,196	46,344	44,309	47,263	49,410
			41,243					
12				45,642	47,854	45,707	48,708	50,921
			42,545					
13					49,401	47,154	50,189	52,467
				47,123				
14					51,006	48,644	51,775	54,073
				48,611				
15					52,333	49,908	53,121	55,479
				49,876				
16 or More					53,379	50,906	54,183	56,588
				50,873				

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year

Years of Service	2004-05 School Year								
	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836

8	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
	34,202							
9		37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272						
10			39,898	42,788	44,894	42,964	45,855	47,960
			38,477					
11				44,196	46,344	44,309	47,263	49,410
				41,243				
12				45,642	47,854	45,707	48,708	50,921
				42,545				
13					49,401	47,154	50,189	52,467
					47,123			
14					51,006	48,644	51,775	54,073
					48,611			
15					52,333	49,908	53,121	55,479
					49,876			
16 or More					53,379	50,906	54,183	56,588
					50,873			

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and  
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds for school years 2003-04 and 2004-05, only if two learning improvement days have been added to the 180-day contract year. If fewer than two days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**  
SUPERINTENDENT OF PUBLIC INSTRUCTION--SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2004) \$25,584,000

General Fund--State Appropriation (FY 2005) \$104,057,000

General Fund--Federal Appropriation \$423,000

TOTAL APPROPRIATION \$130,065,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,015,000 of the general fund--state appropriation for fiscal year 2004 and \$20,917,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 8.67 percent for school year 2003-04 and 8.67 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation

per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) \$5,424,000 of the general fund--state appropriation for fiscal year 2004 and \$12,256,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula classified staff units of one percent effective September 1, 2003, and another salary adjustment of one percent effective on September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to classified staff units and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.03 percent for the 2003-04 school year and 9.03 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$0.93	\$1.88
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.95
Learning Assistance (per entitlement unit)	\$2.23	\$4.50

(4) \$83,240,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$471.12 per month for the 2003-04 school year and \$542.48 per month for the 2004-05 school year at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.13	\$0.78



Highly Capable (per formula student)	\$0.83	\$5.26
Transitional Bilingual Education (per eligible bilingual student)	\$2.27	\$13.83
Learning Assistance (per entitlement unit)	\$1.79	\$10.87

(5) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2004) \$201,856,000

General Fund--State Appropriation (FY 2005) \$210,555,000

TOTAL APPROPRIATION \$412,411,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$782,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.
- (3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.
- (4) Allocations for transportation of students shall be based on reimbursement rates of \$39.26 per weighted mile in the 2003-04 school year and \$39.49 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments, if any, provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.
- (5) For school buses ordered on or after July 1, 2003, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2004) \$3,100,000

General Fund--State Appropriation (FY 2005) \$3,100,000

General Fund--Federal Appropriation \$272,069,000

TOTAL APPROPRIATION \$278,269,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$433,712,000

General Fund--State Appropriation (FY 2005) \$429,085,000

General Fund--Federal Appropriation \$409,762,000

**TOTAL APPROPRIATION \$1,272,559,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 2003-04 and the 2004-05 school years, each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund-- federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection

(8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 per year of the amount provided from the general fund--federal appropriation in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2004) \$3,032,000

General Fund--State Appropriation (FY 2005) \$3,032,000

**TOTAL APPROPRIATION \$6,064,000**

The appropriations in this section are subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2004) \$162,236,000

General Fund--State Appropriation (FY 2005) \$167,073,000

TOTAL APPROPRIATION \$329,309,000

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$18,563,000

General Fund--State Appropriation (FY 2005) \$19,041,000

TOTAL APPROPRIATION \$37,604,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$279,000 of the general fund--state appropriation for fiscal year 2004 and \$286,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2004) \$5,853,000

General Fund--State Appropriation (FY 2005) \$5,706,000

TOTAL APPROPRIATION \$11,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.07 per funded student for the 2003-04 school year and \$334.07 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments, if any, pursuant to section 504 of this act. The number of funded students shall be a maximum of 1.75 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--MISCELLANEOUS PURPOSES**

General Fund--Federal Appropriation \$46,198,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2004) \$36,043,000

General Fund--State Appropriation (FY 2005) \$34,522,000  
General Fund--Federal Appropriation \$128,402,000  
TOTAL APPROPRIATION \$198,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$295,000 of the general fund--state appropriation for fiscal year 2004 and \$295,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$15,119,000 of the general fund--state appropriation for fiscal year 2004, \$12,916,000 of the general fund--state appropriation for fiscal year 2005, and \$15,455,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$274,000 of the fiscal year 2004 general fund--state appropriation and \$274,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a

process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(7) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(8) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(9) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically research-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 2003 through August 31, 2005.

(10) \$1,487,000 of the general fund--state appropriation for fiscal year 2004 and \$2,169,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards subject to the following conditions and limitations:

(a) Teachers who have attained certification by the national board in the 2000-01 school year, 2001-02 school year, 2002-03 school year, 2003-04 school year, or 2004-05 school year shall receive an annual bonus not to exceed \$3,500.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than four annual bonus payments for attaining certification by the national board.

(11) \$70,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(12) A maximum of \$220,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$220,000 of the general fund--state appropriation for fiscal year 2005 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$1,746,000 of the general fund--state appropriation for fiscal year 2004 and \$1,746,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance to schools. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$201,000 of the fiscal year 2004 appropriation and \$201,000 of the fiscal year 2005 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$87,901,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the elementary and secondary education act. To extent allowed under federal rules and regulations, the funds provided in this subsection may also be used for training and professional development activities of paraprofessional classroom assistants and certificated staff who work with classroom assistants.

(16) \$25,046,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the elementary and secondary education act.

(17) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2004) \$49,669,000

General Fund--State Appropriation (FY 2005) \$51,905,000

General Fund--Federal Appropriation \$46,309,000

**TOTAL APPROPRIATION \$147,883,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$722.91 per eligible bilingual student in the 2003-04 school year and \$722.91 in the 2004-05 school year, exclusive of salary and benefit adjustments, if any, provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section is provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I, Part C and English language acquisition and language enhancement grants under Title III of the elementary and secondary education act.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$65,365,000

General Fund--State Appropriation (FY 2005) \$64,027,000

General Fund--Federal Appropriation \$307,178,000

**TOTAL APPROPRIATION \$436,570,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$431.99 per funded unit for the 2003-04 school year and \$432.87 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units for the 2003-04 and 2004-05 school years shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(e) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State Appropriation (FY 2004) \$203,123,000

Student Achievement Fund--State Appropriation (FY 2005) \$243,851,000

**TOTAL APPROPRIATION \$446,974,000**



The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

- (a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;
  - (b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;
  - (c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;
  - (d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;
  - (e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or
  - (f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.
- (2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$211.67 per FTE student for the 2003- 04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.
- (3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

**NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.**

K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

- (1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.
- (2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).
- (b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.
- (c) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c) or under rights granted to award additional compensation with local, nonstate funds under RCW 41.56.203 or chapter 41.76 RCW.

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's colleges and universities for the 2003-04 and 2004-05 academic years, other than the summer term, shall be increased or decreased by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. With the exception of resident undergraduates, reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students. Tuition fees may be increased in excess of the fiscal growth factor.

(a) For the 2003-04 academic year the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than nine percent over tuition fees charged to full-time resident undergraduate students for the 2002-03 academic year.

(b) For the 2004-05 academic year the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than nine percent over tuition fees charged to full-time resident undergraduate students for the 2003-04 academic year.

(4) For the 2003-05 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2003-05 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) For the duration of the 2003-05 biennium, the legislature hereby lowers the limit on total gross authorized operating fees revenue waived, exempted, or reduced by state institutions of higher education pursuant to RCW 28B.15.910 as follows:

- (a) University of Washington, 18.9 percent
- (b) Washington State University, 18.0 percent
- (c) Eastern Washington University, 9.9 percent
- (d) Central Washington University, 7.2 percent
- (e) Western Washington University, 9.0 percent
- (f) The Evergreen State College, 5.4 percent
- (g) Community colleges as a whole, 33.6 percent.

Further, the governing boards and the state board are encouraged to reduce waiver activity in recognition of the need to retain available resources to preserve the educational quality of higher education institutions. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under authority of RCW 28B.15.915.

(7) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2003-05 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(8) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(9) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2003. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(10) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(11) The general fund--state appropriations in sections 603 through 609 of this act represent reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing their unique requirements, flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. It is the intent of the legislature that institutions of higher education should adjust their actual enrollment levels to reflect a sustainable alignment with state funding levels. Listed below are the annual full-time equivalent student enrollments by institutions or agency as assumed in this act.

	2003-04 Annual Average	2004-05 Annual Average
University of Washington		
	32,427	32,427
Main campus		
Bothell branch	1,235	1,235
Tacoma branch	1,484	1,484
Washington State University		
	17,348	17,364
Main campus		
Spokane branch	593	593
Tri-Cities branch	616	616
Vancouver branch	1,153	1,153

	7,604	7,604
Central Washington University		
Eastern Washington University	8,017	8,017
The Evergreen State College	3,837	3,837
Western Washington University	11,126	11,126
State Board for Community and Technical Colleges	126,290	126,290
Higher Education Coordinating Board	0	1,050

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
**STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**  
 General Fund--State Appropriation (FY 2004) \$498,496,000  
 General Fund--State Appropriation (FY 2005) \$495,698,000  
 Administrative Contingency Account--State Appropriation \$4,400,000  
**TOTAL APPROPRIATION \$998,594,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$495,000 of the general fund--state appropriation for fiscal year 2004 and \$1,005,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2004 and \$2,345,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to Clark Community College and Lower Columbia Community College to prepare a total of 168 full-time equivalent students for transfer to the engineering and science institute at the Vancouver branch campus of Washington State University. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to districts named in this subsection.

(6) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;

- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(7) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 and \$28,761,000 of the general fund--state appropriation for fiscal year 2005 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$4,150,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, as well as successful partnerships being supported by these state funds.

(10) \$250,000 of the administrative contingency account--state appropriation is provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005, after which time any amount remaining unexpended from this amount shall lapse.

(11) \$2,540,000 of the general fund--state appropriation for fiscal year 2004 and \$2,540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for 250 full-time equivalent students in high-demand fields and programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. In allocating these instructional resources, the state board may apply a portion of the amount provided in this subsection towards the development of new direct transfer agreements. Allocation of FTE enrollments to college districts shall be granted principally to those preparing students for careers in (a) nursing, dentistry, speech pathology, and other health services; (b) teaching; (c) computing and information technology; (d) applied science and engineering; and (e) viticulture and enology. All districts that receive a high-demand enrollment allocation from the state board must evidence work that fosters collaboration and eases the prospect for articulation across educational sectors for students who have or will participate in high-demand fields and programs supported by the state. The state board shall report on implementation of this section by November of each fiscal year to both the governor and the appropriate policy and fiscal committees of the legislature.

(12) \$111,000 of the general fund--state appropriation for fiscal year 2004 and \$86,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. From these sums, the state board shall allocate:

(a) \$75,000 a year to Walla Walla community college for its associate science and associate arts degree programs for the purpose of vineyard and wine-making equipment purchases, student labor, instructional supplies, field work, and travel expenses;

(b) \$25,000 on a one-time basis to Wenatchee community college for the purpose of adapting its orchard employee educational program; and

(c) \$22,000 on a one-time basis to Yakima Valley community college for the purpose of vineyard and wine-making equipment and supply purchases.

The college districts named in this subsection are encouraged to seek a portion of the high-demand student enrollment funding made available on a competitive basis through the state board or the higher education coordinating board to fill-out their respective need for additional instructors and professional staff.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(14) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall

contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

**NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON**  
**UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2004) \$307,932,000  
General Fund--State Appropriation (FY 2005) \$299,951,000  
Death Investigations Account--State Appropriation \$255,000  
Accident Account--State Appropriation \$5,767,000  
Medical Aid Account--State Appropriation \$5,797,000  
**TOTAL APPROPRIATION \$619,702,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs that focus and respond to regional technology needs of employers and enrolled students including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining, and graduating students, including nontraditional students, and report to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$255,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resource center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**  
**WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$182,712,000  
General Fund--State Appropriation (FY 2005) \$180,136,000  
Washington State University Building Account--State Appropriation \$150,000  
**TOTAL APPROPRIATION \$362,998,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$245,000 of the general fund--state appropriation for fiscal year 2004 and \$734,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand the entering class of veterinary medicine students by 16 full-time equivalent residents each academic year during the 2003-05 biennium.

(2) \$657,000 of the general fund--state appropriation for fiscal year 2004, \$180,000 of the general fund--state appropriation for fiscal year 2005, and the entire Washington state university building account appropriation are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. In consideration of these appropriations, the legislature intends to provide ongoing support of not less than \$180,000 a year for extension field personnel and services. The balance of the amount provided from the fiscal year 2004 appropriation is provided on a one-year basis to

enable the university to appoint jointly shared faculty between the Pullman main campus and its branch campus in the TriCities. The legislature expects the university to meet ongoing faculty, staff, and related expenses to support the delivery of baccalaureate degree programs in viticulture and enology by making a successful bid for a portion of high-demand enrollment funding that will be distributed on a competitive basis by the state higher education coordinating board for student instruction during the 2004-05 academic year under section 610(4) of this act.

(3) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation in full to the branch campus in Vancouver to create and operate a state institute for engineering and science in partnership with Clark and Lower Columbia community colleges and regional industry leaders in southwest Washington. As a condition of this appropriation, the university shall develop and provide to the satisfaction of the office of financial management a business plan for the new institute. The university, together with its two-year college and industry partners, shall provide the governor, legislature, and state higher education coordinating board with an annual summary of its progress to produce more graduates trained in applied science technologies and engineering. Annual reports to inform and advise policymakers of the partners' success, emerging issues, and resource needs if any shall occur by no later than November 15 during the 2003-05 biennium.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(6) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**  
EASTERN WASHINGTON UNIVERSITY  
General Fund--State Appropriation (FY 2004) \$40,718,000  
General Fund--State Appropriation (FY 2005) \$39,607,000  
TOTAL APPROPRIATION \$80,325,000

The appropriations in this section are subject to the following conditions and limitations: \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**  
CENTRAL WASHINGTON UNIVERSITY  
General Fund--State Appropriation (FY 2004) \$39,784,000  
General Fund--State Appropriation (FY 2005) \$39,230,000  
TOTAL APPROPRIATION \$79,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,050,000 of the general fund--state appropriation for fiscal year 2004 and \$1,050,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 134 full-time equivalent undergraduate students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2004) \$22,573,000

General Fund--State Appropriation (FY 2005) \$21,383,000

TOTAL APPROPRIATION \$43,956,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$75,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the institute for public policy to examine and report to the legislature by November 15, 2003, on potential enrollment levels, costs, and offsetting savings of alternative approaches for providing prescription drug benefits under a waiver of federal rules for low-income, elderly, and disabled residents who would not otherwise qualify for Medicaid.

(b) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the institute for public policy to conduct the evaluation outlined in Substitute Senate Bill No. 5012 (charter schools).

(c) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Engrossed Second Substitute Senate Bill No. 5903 (juvenile offender sentencing). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Engrossed Substitute Senate Bill No. 5990 (changing times and supervision standards for release of offenders). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

(e) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by March 1, 2004.

This study incorporates all studies outlined in Substitute House Bill No. 1824 (treatment for juveniles) and Second Substitute House Bill No. 1841 (family services/intervention).

(f) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.



(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**  
**WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$53,342,000

General Fund--State Appropriation (FY 2005) \$51,914,000

TOTAL APPROPRIATION \$105,256,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--**  
**POLICY COORDINATION AND ADMINISTRATION**

**HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$2,280,000

General Fund--State Appropriation (FY 2005) \$17,189,000

General Fund--Federal Appropriation \$642,000

TOTAL APPROPRIATION \$20,111,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by matching students up with distance learning technologies and education providers in Jefferson County. The board shall examine the feasibility and provide the governor and legislature with a report by July of 2004, that outlines how the state might proceed to transfer this experience and replicate or test an alternative model in another region of the state.

(2) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2004 and \$14,995,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to contract for 1,050 full-time equivalent students in high-demand fields in fiscal year 2005. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, a reasonable amount may be used for management of the competitive process for awarding high-demand student FTEs.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Any two- or four-year post-secondary institution may apply however, in all cases, a public or nonprofit, accredited educational corporation or institution based in Washington shall serve as the grant-recipient of record and participate with the private independent or proprietary school in curriculum planning and its execution. Priority will go to competitive proposals that include cooperative partnerships and articulation agreements.

(b) Among coequals, the board shall make it a priority to fund proposals that prepare students for careers in (i) nursing, dentistry, speech pathology, and other health services; (ii) teaching; (iii) computing and information technology; (iv) applied science and engineering; (v) viticulture and enology, but not to the exclusion of compelling proposals that document specific regional student and employer demand in fields not listed in this subsection. Proposals and grant awards will separately identify one-time, nonrecurring costs and ongoing costs.

(c) The board will establish a proposal review committee that will include representatives from the board, the office of financial management, out-of-state higher education institutions or associations, western interstate commission on higher education, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(d) Colleges and universities that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. During the 2003-05 biennium, the board will prepare an annual report on the impact of this subsection and provide it to the office of financial management and the fiscal and higher education committees of the legislature by November 1 for the prior academic year.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
FINANCIAL AID AND GRANT PROGRAMS**

**HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2004) \$146,835,000

General Fund--State Appropriation (FY 2005) \$159,172,000

General Fund--Federal Appropriation \$7,534,000

TOTAL APPROPRIATION \$313,541,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and \$1,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$113,212,000 of the general fund--state appropriation for fiscal year 2004 and \$125,193,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. Unless otherwise provided by the enactment of Engrossed Senate Bill No. 5676 or Substitute House Bill No. 1731 by June 30, 2003, and for the purpose of establishing eligibility for the educational opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

(8) \$1,957,000 of the general fund--state appropriation for fiscal year 2004 and \$2,231,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$808,000 of the general fund--state appropriation for fiscal year 2004 and \$875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college

scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and \$6,050,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program.

(12) \$2,649,000 of the general fund--state appropriation for fiscal year 2004 and \$2,649,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

**WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2004) \$1,682,000

General Fund--State Appropriation (FY 2005) \$1,640,000

General Fund--Federal Appropriation \$53,796,000

TOTAL APPROPRIATION \$57,118,000

The appropriations in this section are subject to the following conditions and limitations: \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$485,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2004 as to the progress and future steps for INTEC.

**NEW SECTION. Sec. 613.. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

**SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2004) \$1,404,000

General Fund--State Appropriation (FY 2005) \$1,415,000

TOTAL APPROPRIATION \$2,819,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

**WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2004) \$1,718,000

General Fund--State Appropriation (FY 2005) \$1,725,000

General Fund--Federal Appropriation \$1,026,000

TOTAL APPROPRIATION \$4,469,000

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2004) \$2,462,000

General Fund--State Appropriation (FY 2005) \$2,529,000

TOTAL APPROPRIATION \$4,991,000

**NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2004) \$1,459,000

General Fund--State Appropriation (FY 2005) \$1,490,000

TOTAL APPROPRIATION \$2,949,000

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**

**STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2004) \$4,591,000

General Fund--State Appropriation (FY 2005) \$4,602,000  
General Fund--Private/Local Appropriation \$1,335,000  
TOTAL APPROPRIATION \$10,528,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**  
**STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2004) \$7,536,000  
General Fund--State Appropriation (FY 2005) \$7,496,000  
General Fund--Private/Local Appropriation \$232,000  
TOTAL APPROPRIATION \$15,264,000

**PART VII**  
**SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
General Fund--State Appropriation (FY 2004) \$569,812,000  
General Fund--State Appropriation (FY 2005) \$627,938,000  
State Building Construction Account--State Appropriation \$7,014,000  
Debt-Limit General Fund Bond Retirement Account--State Appropriation \$10,500,000  
State Taxable Building Construction Account--State Appropriation \$322,000  
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,587,000  
TOTAL APPROPRIATION \$1,218,173,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004. The appropriation for fiscal year 2005 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2005.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
State Convention and Trade Center Account--State Appropriation \$29,014,000  
Accident Account--State Appropriation \$5,113,000  
Medical Aid Account--State Appropriation \$5,113,000  
TOTAL APPROPRIATION \$39,240,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
General Fund--State Appropriation (FY 2004) \$26,394,000  
General Fund--State Appropriation (FY 2005) \$24,805,000  
Higher Education Construction Account--State Appropriation \$238,000  
State Vehicle Parking Account--State Appropriation \$102,000  
Capital Historic District Construction Account--State Appropriation \$299,000  
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$128,375,000  
TOTAL APPROPRIATION \$180,213,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
General Fund--State Appropriation (FY 2004) \$526,000

General Fund--State Appropriation (FY 2005) \$526,000  
Higher Education Construction Account--State Appropriation \$35,000  
State Vehicle Parking Account--State Appropriation \$17,000  
State Building Construction Account--State Appropriation \$2,032,000  
Capital Historic District Construction Account--State Appropriation \$45,000  
State Taxable Building Construction Account--State Appropriation \$50,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND**

OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND  
General Fund--State Appropriation (FY 2004) \$850,000  
General Fund--State Appropriation (FY 2005) \$850,000  
TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL.**

OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 707. AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS.**

AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, PERSONAL SERVICE CONTRACTS The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$19,063,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of expenditures identified in LEAP document 35, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 22, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 708. AGENCY EXPENDITURES FOR LEGISLATIVE LIAISONS.**

AGENCY EXPENDITURES FOR LEGISLATIVE LIAISONS During the 2003-05 fiscal biennium, no state agency or institution may expend any moneys appropriated in this act to employ legislative liaisons or contract for legislative liaisons. However, each independently elected statewide official may employ one FTE legislative liaison during the 2003-05 fiscal biennium. The office of financial management shall reduce allotments for agencies by \$3,257,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of the expenditures identified in LEAP document 34, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 3, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

State funds provided in Part V of this act may not be expended by or for any organization, association, or other entity attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington.

**NEW SECTION. Sec. 709. AGENCY EXPENDITURES FOR TORT LIABILITY.**

AGENCY EXPENDITURES FOR TORT LIABILITY The office of financial management shall reduce allotments for all agencies by \$18,000,000 from 2003-05 biennial general fund appropriations in this act to reflect the reduction in state tort liability under Senate Bill No. 5728 or 5999. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 710. SUNDRY CLAIMS.**

SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
  - (a) Kelly C. Schwartz, claim number SCJ 03-10 \$18,250
  - (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW

77.36.050:

- (a) Circle S Landscape Supplies, claim number SCG 03-05 \$49,379
- (b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175
- (c) Paul Gibbons, claim number SCG 03-09 \$12,414
- (d) Bud Hamilton, claim number SCG 03-10 \$15,591
- (3) Reimbursement of legal costs, Building Industry Association of Washington, claim number SCO 03-26 \$45,912

**NEW SECTION. Sec. 711. BELATED CLAIMS.**

**BELATED CLAIMS** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. COMPENSATION--INSURANCE BENEFITS.**

**COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2004) \$4,606,000  
General Fund--State Appropriation (FY 2005) \$29,546,000  
General Fund--Federal Appropriation \$7,012,000  
General Fund--Private/Local Appropriation \$773,000  
Salary and Insurance Increase Revolving Account Appropriation \$22,174,000  
TOTAL APPROPRIATION \$64,111,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$495.30 per eligible employee for fiscal year 2004, and \$567.67 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.03. Starting January 1, 2005, the subsidy shall be \$115.49 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$42.75 per month beginning September 1, 2003, and \$48.92 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.75 each month beginning September 1, 2003, and \$48.92 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2003-2005 transportation appropriations act.

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) \$21,171,000  
General Fund--State Appropriation (FY 2005) \$20,829,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000  
General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000  
General Fund--State Appropriation (FY 2005) \$500,000  
TOTAL APPROPRIATION \$55,000,000

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2004) \$674,000  
General Fund--State Appropriation (FY 2005) \$683,000  
Judicial Information Systems Account--State Appropriation \$57,000  
Department of Retirement Systems Expense Account--State Appropriation \$14,000  
Public Safety and Education Account--State Appropriation \$199,000  
TOTAL APPROPRIATION \$1,627,000

The appropriations in this section are provided solely to fund pension contributions to the public employees' retirement system and teachers' retirement systems for judicial and legislative employees, effective July 1, 2003.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- PENSION  
CONTRIBUTION ADJUSTMENTS**

OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS

General Fund--State Appropriation (FY 2004) (\$10,524,000)  
General Fund--State Appropriation (FY 2005) (\$10,618,000)  
Projected Unit Credit Offset Account Appropriation (\$13,695,000)  
TOTAL APPROPRIATION (\$34,837,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect savings resulting from the adoption of the projected unit credit actuarial funding method for plans 2 and 3 of the public employees', teachers', and school employees' retirement systems as provided in Senate Bill No. 6029 (funding PERS, TERS, and SERS). If the bill is not enacted by June 30, 2003, the amount provided in this section shall lapse.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the projected unit credit offset account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2004) \$10,468,000  
General Fund--State Appropriation (FY 2005) \$10,468,000

TOTAL APPROPRIATION \$20,936,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K- 20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
REVOLVING FUND ADJUSTMENTS**

**OFFICE OF FINANCIAL MANAGEMENT--REVOLVING FUND ADJUSTMENTS**

General Fund--State Appropriation (FY 2004) \$3,350,000

General Fund--State Appropriation (FY 2005) \$3,350,000

Revolving Fund Revolving Account Appropriation \$2,792,000

TOTAL APPROPRIATION \$9,492,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency revolving fund assessments for internal services to reflect policy changes made to the governor's proposed omnibus appropriations act. Policy changes include increased appropriations for legal and archival services (\$1,400,000 each), the restoration of the office of minority and women's business enterprises (\$2,400,000), and the cancellation of the governor's proposed merger of the department of personnel and the department of retirement systems (\$5,300,000).

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the revolving fund revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 2004.**

**INCENTIVE SAVINGS--FY 2004** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2004, from the total amount of unspent fiscal year 2004 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 719. INCENTIVE SAVINGS--FY 2005.**

**INCENTIVE SAVINGS--FY 2005** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2005, from the total amount of unspent fiscal year 2005 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF HEALTH--COUNTY PUBLIC  
HEALTH ASSISTANCE**

**DEPARTMENT OF HEALTH--COUNTY PUBLIC HEALTH ASSISTANCE**

Health Services Account--State Appropriation \$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of health shall distribute the appropriation as follows: \$48,000,000 is provided to the department of health to support protection and improvement of the public's health and to increase the efficiency and effectiveness of the public health system. Funds will be provided to local public health departments and districts through performance-based contracts to help attain the standards for public health and to implement the recommendations of the public health improvement plan. A monitoring and reporting mechanism will be established to demonstrate progress toward these goals.



**NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE

General Fund--State Appropriation (FY 2004) \$1,500,000  
General Fund--State Appropriation (FY 2005) \$1,500,000  
TOTAL APPROPRIATION \$3,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	<b>2004</b>	<b>2005</b>
Garfield	\$290,000	\$290,000
Columbia	\$200,500	\$200,500
Wahkiakum	\$129,500	\$129,500
Ferry	\$99,500	\$99,500
Okanogan	\$140,000	\$140,000
Asotin	\$108,500	\$108,500
Stevens	\$209,000	\$209,000
Douglas	\$132,000	\$132,000
Lincoln	\$75,500	\$75,500
Pend Oreille	\$71,500	\$71,500
Skamania	\$44,000	\$44,000
<b>TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>

**NEW SECTION. Sec. 722. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE

General Fund--State Appropriation (FY 2004) \$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

	<b>2004</b>
Airway Heights	\$5,000

Albion	\$24,000
Almira	\$1,000
Asotin	\$10,000
Benton City	\$15,000
Black Diamond	\$18,000
Bridgeport	\$68,000
Brier	\$129,000
Bucoda	\$15,000
Carbonado	\$15,000
Cashmere	\$13,000
Cheney	\$19,000
Chewelah	\$1,000
Colfax	\$1,000
College Place	\$138,000
Colton	\$5,000
Conconully	\$4,000
Concrete	\$1,000
Connell	\$27,000
Coulee Dam	\$6,000
Covington	\$117,000
Creston	\$2,000
Cusick	\$750
Darrington	\$6,000
Davenport	\$4,000
Dayton	\$1,000

Des Moines	\$161,000
Edgewood	\$272,000
Electric City	\$27,000
Elma	\$2,000
Elmer City	\$11,000
Endicott	\$10,000
Entiat	\$10,000
Everson	\$5,000
Fairfield	\$1,000
Farmington	\$3,000
Fircrest	\$50,000
Forks	\$5,000
Garfield	\$12,000
George	\$2,000
Gold Bar	\$29,000
Grandview	\$15,000
Granger	\$28,000
Hamilton	\$4,000
Harrah	\$16,000
Harrington	\$1,000
Hartline	\$3,000
Hatton	\$4,000
Hoquiam	\$19,000
Index	\$500
Ione	\$2,000

Kahlotus	\$6,000
Kenmore	\$132,000
Kettle Falls	\$4,000
Kittitas	\$17,000
Krupp	\$1,000
Lacrosse	\$3,000
Lake Forest Park	\$136,000
Lake Stevens	\$5,000
Lakewood	\$350,000
Lamont	\$2,000
Latah	\$3,000
Lyman	\$3,000
Mabton	\$51,000
Malden	\$8,000
Mansfield	\$8,000
Maple Valley	\$17,000
Marcus	\$3,000
Mattawa	\$17,000
McCleary	\$15,000
Medical Lake	\$10,000
Mesa	\$2,000
Metaline	\$2,000
Metaline Falls	\$1,000
Mossyrock	\$1,000
Mountlake Terrace	\$32,000

Moxee	\$2,000
Napavine	\$19,000
Nespelem	\$6,000
Newcastle	\$2,000
Nooksack	\$13,000
Normandy Park	\$82,000
North Bonneville	\$2,000
Northport	\$7,000
Oakesdale	\$3,000
Oakville	\$7,000
Orting	\$12,000
Palouse	\$7,000
Pateros	\$1,000
Pe Ell	\$20,000
Pomeroy	\$3,000
Prescott	\$1,000
Pullman	\$21,000
Rainier	\$27,000
Raymond	\$750
Reardan	\$8,000
Republic	\$1,000
Riverside	\$7,000
Rock Island	\$6,000
Rockford	\$2,000
Rosalia	\$6,000

Roslyn	\$11,000
Royal City	\$12,000
Ruston	\$8,000
Sammamish	\$320,000
Shoreline	\$65,000
Soap Lake	\$19,000
South Bend	\$5,000
South Cle Elum	\$11,000
South Prairie	\$2,000
Sprague	\$1,000
Springdale	\$1,000
Starbuck	\$3,000
Steilacoom	\$19,000
Tekoa	\$5,000
Tenino	\$7,000
Tieton	\$12,000
Toppenish	\$63,000
Uniontown	\$3,000
University Place	\$306,000
Vader	\$12,000
Waitsburg	\$15,000
Wapato	\$35,000
Warden	\$10,000
Washtucna	\$7,000
Waterville	\$13,000

Waverly	\$3,000
West Richland	\$84,000
White Salmon	\$1,000
Wilbur	\$1,000
Wilkeson	\$1,000
Wilson Creek	\$3,000
Yacolt	\$4,000
Zillah	\$5,000
<b>TOTAL</b>	<b>\$3,500,000</b>

**NEW SECTION. Sec. 723.**

(1) The director of revenue shall on the 25th of August, November, February, and May of fiscal years 2004 and 2005 advise the state treasurer of the difference in the amount of business and occupation tax credits that were forecast July 1, 2003, to be taken during the preceding calendar quarter ending on the last day of June, September, December, and March, respectively, over the amount of business and occupation tax credits actually taken in that previous quarter.

(2) On the last day of September, December, March, and June of fiscal years 2004 and 2005, an amount equal to the amount certified by the department of revenue is appropriated from the general fund to the investing in innovation account established by section 3, chapter ... (2SHB 1003), Laws of 2003.

(3) As used in this section, "business and occupation tax credits" means the business and occupation tax credits for job creation in rural counties under chapter 82.62 RCW, international services job creation under RCW 82.04.44525, job training in rural counties under RCW 82.04.4333, computer software job creation in rural counties under RCW 82.04.4456, information technology help desk services in rural counties under RCW 82.04.4457, and high technology research and development under RCW 82.04.4452.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

**STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions	\$8,920,350
General Fund Appropriation for public utility district excise tax distributions	\$39,273,684
General Fund Appropriation for prosecuting attorney distributions	\$3,441,197
General Fund Appropriation for boating safety and education distributions	\$4,074,300
General Fund Appropriation for other tax distributions	\$34,750
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$2,123,723
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$187,068
Timber Tax Distribution Account Appropriation for distribution to timber counties	\$51,192,170
County Criminal Justice Assistance Appropriation	\$52,175,755
Municipal Criminal Justice Assistance Appropriation	\$21,086,550
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$32,624,831
Liquor Revolving Account Appropriation for liquor profits distribution	\$57,511,693
<b>TOTAL APPROPRIATION</b>	<b>\$275,806,908</b>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
**STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
Impaired Driving Safety Account Appropriation \$1,264,335

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-2005 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
**STATE TREASURER--COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
Impaired Driving Safety Account Appropriation \$1,896,502

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-2005 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**  
**STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**  
General Fund Appropriation for federal grazing fees distributions \$1,293,828  
General Fund Appropriation for federal flood control funds distribution \$25,050  
Federal Forest Revolving Fund Appropriation for federal forest reserve fund distribution \$83,492,373  
TOTAL APPROPRIATION \$84,811,251

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**  
**STATE TREASURER--TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

General Fund: For transfer to the water quality account \$24,151,600  
Water Quality Account: For transfer to the water pollution control account \$10,500,000  
State Convention and Trade Center Account: For transfer to the state general fund \$10,000,000  
County Sale/Use Tax Equalization Account: For transfer to the state general fund \$74,000  
Financial Services Regulation Fund: For transfer to the state general fund at the beginning of fiscal year 2005 \$1,632,000  
Municipal Sale/Use Tax Equalization Account: For transfer to the state general fund \$374,000  
Asbestos Account: For transfer to the state general fund \$200,000  
Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000  
Electrical License Account: For transfer to the state general fund \$7,000,000  
Public Service Revolving Account: For transfer to the state general fund \$1,600,000  
Insurance Commissioner's Regulatory: For transfer to the state general fund \$1,500,000  
State Treasurer's Service Account: For transfer to the state general fund \$10,000,000  
Department of Retirement Systems Expense Account: For transfer to the state general fund \$1,500,000  
Gambling Revolving Account: For transfer to the state general fund \$1,500,000



Pressure Systems Safety Account: For transfer to the state general fund \$500,000  
Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000  
Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000  
Flood Control Assistance Account: For transfer to the state general fund \$2,700,000  
Nisqually Earthquake Account--State: For transfer to the state disaster response account for fiscal year 2004 \$6,234,000  
Health Services Account: For transfer to the tobacco prevention and control account \$24,216,000  
Health Services Account: For transfer to the violence reduction and drug enforcement account \$7,789,000  
Health Services Account: For transfer to the water quality account \$8,182,000  
Health Services Account: For transfer to the state general fund for fiscal year 2005 \$10,000,000  
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,000,000  
Emergency Reserve Fund: For transfer to the state general fund \$57,046,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system \$21,901

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.**

**EXPENDITURE AUTHORIZATIONS** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2003-05 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.**

**INFORMATION SYSTEMS PROJECTS** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology

project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.**

**VIDEO TELECOMMUNICATIONS** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. VOLUNTARY DEFICIT REDUCTION CONTRIBUTION ACCOUNT.**

**VOLUNTARY DEFICIT REDUCTION CONTRIBUTION ACCOUNT** The voluntary deficit reduction contribution account is created in the state treasury. All receipts from citizens' voluntary contributions, donations, gifts, bequests, grants, or other sources granted or given for this account must be deposited in the account. Money in the account shall be used exclusively for public purposes and may be spent only after appropriation. Unless the donor has directed that his or her contribution be used for a particular state program or function, expenditures from the account may be used for any general fund or transportation purpose.

**NEW SECTION. Sec. 905. PROGRAM COST SHIFTS.**

**PROGRAM COST SHIFTS** Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS.**

**EMERGENCY FUND ALLOCATIONS** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of

financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS.**

**STATUTORY APPROPRIATIONS** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 908. BOND EXPENSES.**

**BOND EXPENSES** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES.**

**VOLUNTARY SEPARATION INCENTIVES** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section and employees accepting a voluntary separation incentive are not eligible for unemployment compensation based on their separation from state employment under Title 50 RCW.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2004.

**NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES.**

**VOLUNTARY RETIREMENT INCENTIVES** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. No employee shall have a contractual right to a financial incentive offered pursuant to this section, and employees accepting a voluntary retirement incentive are not eligible for unemployment compensation based on their separation from state employment under Title 50 RCW. Agencies participating in this authorization are required to submit a report by June 30, 2005, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2003-05 biennium.

**Sec. 911.** RCW 9.46.100 and 2002 c 371 s 901 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund ~~((and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~.

**Sec. 912.** RCW 19.28.351 and 1988 c 81 s 11 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and ~~((by him))~~ paid out upon vouchers

duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, ~~((said))~~ the fund, and of all disbursements therefrom.

During the 2003-2005 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 913.** RCW 28A.305.210 and 1975 1st ex.s. c 275 s 51 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the 2003-05 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 914.** RCW 28A.500.030 and 2002 c 317 s 4 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to June 30, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

**Sec. 915.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional ~~((five))~~ fifteen-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;  
For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees.

For recording instruments, a surcharge as provided in RCW 36.22.178.

**Sec. 916.** RCW 38.52.106 and 2002 c 371 s 904 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the ~~((2001-))~~ 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs~~((, and costs associated with national security preparedness activities))~~.

**Sec. 917.** RCW 41.50.110 and 1998 c 341 s 508 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, and 43.43 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060~~((2))~~ (3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2003-2005 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 918.** RCW 43.08.190 and 1991 sp.s. c 13 s 83 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040~~((2)(b))~~ or 43.84.092~~((2)(b))~~ (4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 919.** RCW 43.03.050 and 1990 c 30 s 1 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

**Sec. 920.** RCW 43.10.180 and 1979 c 151 s 95 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2003-05 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 921.** RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289 s 4 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2003))~~ 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-

based tracking system, public notification about registered sex offenders, the family policy council, crisis residential centers or secure crisis residential centers, payments to school districts for truancy petitions, payments to superior courts for truancy, child-in-need-of-services or at-risk youth petitions, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

**Sec. 922.** RCW 43.43.944 and 1999 c 117 s 2 are each amended to read as follows:

- (1) The fire service training account is hereby established in the state treasury. The fund shall consist of:
  - (a) All fees received by the Washington state patrol for fire service training;
  - (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
  - (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the 2003-2005 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

**Sec. 923.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal transportation account shall be made during the 2003-05 fiscal biennium.

**Sec. 924.** RCW 43.320.110 and 2002 c 371 s 912 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies

and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

~~((Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the digital government revolving account.))~~ During the ~~((2001-))~~ 2003-2005 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund and appropriations reductions made by the ~~((2002 supplemental))~~ appropriations act for administrative efficiencies and savings.

**Sec. 925.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(3) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ORV account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection (1) of this section.

**Sec. 926.** RCW 48.02.190 and 2002 c 371 s 913 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders



on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the ((2001-2003)) 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

**Sec. 927.** RCW 49.26.130 and 1989 c 154 s 9 are each amended to read as follows:

(1) The department shall administer this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.05 and 49.17 RCW, rules necessary to carry out this chapter.

(3) The department shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director of the department or the director's designee.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the asbestos account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 928.** RCW 50.16.010 and 2002 c 371 s 914 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the ~~((2001-))~~2003-2005 fiscal biennium, the cost of ~~((worker retraining programs))~~ the job skills program and the alliance for corporate education at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 929.** RCW 51.44.170 and 2002 c 371 s 916 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the ~~((reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

**Sec. 930.** RCW 67.40.040 and 1995 c 386 s 13 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded

from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 931.** RCW 69.50.520 and 2002 c 371 s 920 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((2001-))~~2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the replacement of the department of corrections' offender-based tracking system,))~~ maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, civil indigent legal representation, ~~((and for))~~ drug treatment costs for offenders pursuant to RCW 70.96A.350, multijurisdictional narcotics task forces ~~((-- After July 1, 2003, at least seven and one half percent of expenditures from the account shall be used for providing)),~~ and grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 932.** RCW 70.79.350 and 1979 c 151 s 171 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and ~~((by him, as such custodian,))~~ the treasurer shall place ~~((said))~~ all sums in a special fund hereby created and designated as the "pressure systems safety fund". ~~((Said))~~ Funds ~~((by him))~~ shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of ~~((said))~~ the fund, shall keep an accurate record of any payments into ~~((said))~~ the fund, and of all disbursements therefrom. ~~((Said))~~ The fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of ~~((his))~~ the office. The fund shall be charged with its pro rata share of the cost of administering ~~((said))~~ the fund which is to be determined by the director of financial management and by the director of the department of labor and industries.

During the 2003-2005 fiscal biennium, the legislature may transfer from the pressure systems safety fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 933.** RCW 70.146.030 and 2002 c 371 s 921 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2001))~~ 2003, to June 30, ~~((2003))~~ 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the

house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 934.** RCW 70.146.080 and 1994 sp.s. c 6 s 902 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. ~~((If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.~~

~~For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.)~~

For each fiscal year ~~((1992 and for fiscal years 1995 and 1996 and thereafter)),~~ if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars, except that, for fiscal years 2004 and 2005, no transfer is required. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

**Sec. 935.** RCW 72.11.040 and 2001 2nd sp.s. c 7 s 919 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2001-))~~2003-2005 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 936.** RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

(1) Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as ~~((herein))~~ provided in this section. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas~~((:- PROVIDED, That))~~. However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

(2) Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land~~((:- PROVIDED, That))~~. However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land~~((:- PROVIDED FURTHER, That))~~. The net income from such leases shall be deposited in the state parks renewal and stewardship account.

(3) For the 2003-05 fiscal biennium, at the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park. If the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this subsection reverts to the state parks and recreation commission.

**Sec. 937.** RCW 80.01.080 and 2002 c 371 s 924 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the (~~2001-2003~~) 2003-2005 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the (~~appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings~~) excess fund balance of the fund.

**Sec. 938.** RCW 82.14.200 and 1998 c 321 s 8 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the statewide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through

(5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and

(b) Fifty percent to the distressed county public facilities construction loan account under RCW 43.160.220, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds shall be deposited into the public facilities construction loan revolving account.

(10) During the 2003-2005 fiscal biennium, the legislature may transfer from the county sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 939.** RCW 82.14.210 and 1996 c 64 s 1 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the statewide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by forty-five fifty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the statewide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the statewide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(8) During the 2003-2005 fiscal biennium, the legislature may transfer from the municipal sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 940.** RCW 86.26.007 and 1997 c 149 s 914 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter (~~or, during the 1997-99 fiscal biennium, for transfer to the disaster response account~~). During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 941.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 942.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representatives Sehlin, Orcutt, Clements, Carrell, Hinkle, Roach, Schoesler, Armstrong, Ahern, McDonald, McMahan, DeBolt, Shabro, Pearson, Benson, Sump, Bush, Buck, Jarrett,

Ericksen, Nixon, Holmquist, Talcott, Mielke, Pflug, Woods, Alexander and Bailey spoke in favor of the adoption of amendment (521) to the committee amendment.

Representatives Sommers, Dickerson, Haigh, Morrell, Hunt, Ruderman, Miloscia, McIntire, Romero, Hunter, Santos, Eickmeyer and Cody spoke against the adoption of amendment (521) to the committee amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (521) to the committee amendment to Engrossed Substitute Senate Bill No. 5404.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (521) to the committee amendment to Engrossed Substitute Senate Bill No. 5404, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 52.

Representative Sommers moved the adoption of amendment (519) to the committee amendment:

Strike everything after page 1, line 2 of the amendment and insert the following:

### "PART I GENERAL GOVERNMENT

#### **NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES** HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2004) \$28,295,000

General Fund--State Appropriation (FY 2005) \$28,269,000

Department of Retirement Systems Expense Account--State Appropriation \$45,000

TOTAL APPROPRIATION \$56,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided for the joint select committee on fiscal stability.

(a) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(b) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:

(i) Spending limits;

(ii) Tax limits;



- (iii) Emergency reserve accounts; and
- (iv) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.
- (c) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2004.
- (d) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

**NEW SECTION. Sec. 102. FOR THE SENATE**

**SENATE**

General Fund--State Appropriation (FY 2004) \$22,145,000  
 General Fund--State Appropriation (FY 2005) \$23,169,000  
 Department of Retirement Systems Expense Account--State Appropriation \$45,000  
**TOTAL APPROPRIATION \$45,359,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.
- (2) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided for the joint select committee on fiscal stability.
  - (a) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.
  - (b) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:
    - (i) Spending limits;
    - (ii) Tax limits;
    - (iii) Emergency reserve accounts; and
    - (iv) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.
  - (c) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2004.
  - (d) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW**

**COMMITTEE**

**JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2004) \$2,120,000  
 General Fund--State Appropriation (FY 2005) \$2,230,000  
**TOTAL APPROPRIATION \$4,350,000**

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$490,000 of the general fund--state appropriation for fiscal year 2004 and \$510,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Engrossed Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.
- (2) Amounts provided in this section are sufficient to implement the provisions of Substitute House Bill No. 1013 (UTC performance audit), Substitute House Bill No. 1041 (mental health advance directives), Engrossed Substitute House Bill No. 1367 (government accountability), and Engrossed Substitute House Bill No. 2112 (alternative public works study).

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

**LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2004) \$1,629,000

General Fund--State Appropriation (FY 2005) \$1,773,000

TOTAL APPROPRIATION \$3,402,000

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**  
**OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account--State Appropriation \$2,590,000

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**  
**JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2004) \$6,661,000

General Fund--State Appropriation (FY 2005) \$6,661,000

TOTAL APPROPRIATION \$13,322,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**  
**STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2004) \$3,899,000

General Fund--State Appropriation (FY 2005) \$4,003,000

TOTAL APPROPRIATION \$7,902,000

The appropriations in this section are subject to the following conditions and limitations: \$42,100 of the general fund fiscal year 2004 appropriation and \$43,800 of the general fund fiscal year 2005 appropriation are provided solely for the uniform legislation commission.

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.**  
LEGISLATIVE AGENCIES In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**  
**SUPREME COURT**

General Fund--State Appropriation (FY 2004) \$5,457,000

General Fund--State Appropriation (FY 2005) \$5,660,000

TOTAL APPROPRIATION \$11,117,000

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**  
**LAW LIBRARY**

General Fund--State Appropriation (FY 2004) \$2,055,000

General Fund--State Appropriation (FY 2005) \$2,059,000

TOTAL APPROPRIATION \$4,114,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**  
**COURT OF APPEALS**

General Fund--State Appropriation (FY 2004) \$12,533,000

General Fund--State Appropriation (FY 2005) \$12,770,000

TOTAL APPROPRIATION \$25,303,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**  
**COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2004) \$909,000

General Fund--State Appropriation (FY 2005) \$911,000

TOTAL APPROPRIATION \$1,820,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**  
**ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2004) \$18,454,000  
General Fund--State Appropriation (FY 2005) \$18,321,000  
Public Safety and Education Account--State Appropriation \$25,507,000  
Civil Legal Services Account--State Appropriation \$16,902,000  
Judicial Information Systems Account--State Appropriation \$27,955,000  
TOTAL APPROPRIATION \$107,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$1,813,000 of the general fund--state appropriation for fiscal year 2004 and \$1,562,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5990 (supervision of offenders) or Engrossed Substitute Senate Bill No. 6002 (financial obligations). If neither bill is enacted by June 30, 2003, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts; and

(b) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$800,000 of the general fund--state appropriation of \$800,000 for fiscal year 2005 are provided solely for distribution to the county clerks for the collection of legal financial obligations. The funding shall be distributed by the office of the administrator for the courts to the county clerks, in accordance with the funding formula determined by the Washington association of county officials pursuant to Senate Bills No. 5990 or 6002.

(3) \$9,261,000 of the civil legal services account--state appropriation is provided for civil legal services.

(4) \$7,641,000 of the civil legal services account--state appropriation is provided solely for civil legal services. If Substitute House Bill No. 1744 (court fees) is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2004, \$285,000 of the general fund--state appropriation for fiscal year 2005, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

(8) \$12,572,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**  
**OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2004) \$666,000  
General Fund--State Appropriation (FY 2005) \$884,000  
Public Safety and Education Account--State Appropriation \$12,609,000  
TOTAL APPROPRIATION \$14,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(5) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

**OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2004) \$3,845,000

General Fund--State Appropriation (FY 2005) \$3,748,000

General Fund--Federal Appropriation \$1,144,000

Water Quality Account--State Appropriation \$3,872,000

**TOTAL APPROPRIATION \$12,609,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,872,000 of the water quality account appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a consultant to support the work of the early learning and child care task force created in section 501(1)(d) of this act.

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**

**LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2004) \$548,000

General Fund--State Appropriation (FY 2005) \$548,000

**TOTAL APPROPRIATION \$1,096,000**

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**

**PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2004) \$1,796,000

General Fund--State Appropriation (FY 2005) \$1,777,000

**TOTAL APPROPRIATION \$3,573,000**

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**

**SECRETARY OF STATE**

General Fund--State Appropriation (FY 2004) \$23,401,000

General Fund--State Appropriation (FY 2005) \$17,479,000

General Fund--Federal Appropriation \$6,977,000

Archives and Records Management Account--State Appropriation \$8,549,000

Department of Personnel Service Account--State Appropriation \$717,000

Election Account--Federal Appropriation \$13,121,000

Local Government Archives Account--State Appropriation \$2,345,000

**TOTAL APPROPRIATION \$72,589,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,805,004 of the general fund--state appropriation for fiscal year 2004 and \$1,830,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be

based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8). If Substitute Senate Bill No. 5274 (archives division funding) is enacted by June 30, 2003, the amounts provided in this subsection shall lapse, and the expenditures shall be made out of the imaging account.

(6) \$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.

(7) The entire elections account appropriation is provided solely for the implementation of Engrossed House Bill No. 1161 (help America vote act). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**  
GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$227,000

General Fund--State Appropriation (FY 2005) \$238,000

TOTAL APPROPRIATION \$465,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**  
COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$192,000

General Fund--State Appropriation (FY 2005) \$192,000

TOTAL APPROPRIATION \$384,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**  
STATE TREASURER

State Treasurer's Service Account--State Appropriation \$13,215,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**  
STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$1,206,000

General Fund--State Appropriation (FY 2005) \$1,407,000

State Auditing Services Revolving Account--State Appropriation \$12,892,000

TOTAL APPROPRIATION \$15,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$706,000 of the general fund--state appropriation for fiscal year 2004 and \$707,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$700,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

**CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2004) \$80,000

General Fund--State Appropriation (FY 2005) \$154,000

TOTAL APPROPRIATION \$234,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**  
**ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2004) \$4,083,000

General Fund--State Appropriation (FY 2005) \$4,139,000

General Fund--Federal Appropriation \$2,857,000

Public Safety and Education Account--State Appropriation \$1,824,000

Tobacco Prevention and Control Account--State Appropriation \$270,000

New Motor Vehicle Arbitration Account--State Appropriation \$1,184,000

Legal Services Revolving Account--State Appropriation \$166,171,000

TOTAL APPROPRIATION \$180,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL**  
**CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$639,000

General Fund--State Appropriation (FY 2005) \$640,000

TOTAL APPROPRIATION \$1,279,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2004) \$63,587,000

General Fund--State Appropriation (FY 2005) \$58,905,000

General Fund--Federal Appropriation \$198,410,000

General Fund--Private/Local Appropriation \$10,598,000

Public Safety and Education Account--State Appropriation \$5,905,000

Public Works Assistance Account--State Appropriation \$1,929,000

Building Code Council Account--State Appropriation \$1,065,000

Administrative Contingency Account--State Appropriation \$1,774,000

Low-Income Weatherization Assistance Account--State Appropriation \$3,293,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$6,048,000

Manufactured Home Installation Training Account--State Appropriation \$258,000

Community Economic Development Account--State Appropriation \$1,909,000

Washington Housing Trust Account--State Appropriation \$16,770,000

Public Facility Construction Loan Revolving Account--State Appropriation \$626,000

Lead Paint Account--State Appropriation \$6,000  
TOTAL APPROPRIATION \$371,083,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,705 to the department to continue the governor's council on substance abuse;

(k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(l) \$572,919 to the office of financial management for criminal history records improvement; and

(m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$697,000 of the community economic development account appropriation is provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The

governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) Within amounts provided in this section, sufficient funding is provided to implement Second Substitute House Bill No. 1973 (promoting tourism).

(12) \$49,000 of the general fund--state appropriation for fiscal year 2004 and \$26,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(14) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(15) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(16) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(17) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(18) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(19) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(20) \$4,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Port of Columbia for industrial development promotion purposes, as that term is used in Article VIII, section 8 of the Washington state Constitution, for the acquisition of food processing equipment for use by one or more private entities.

(21) Amounts appropriated within this section are sufficient to implement the establishment of aviation mitigation zones in accordance with House Bill No. 2276 (aviation mitigation zones).

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**  
**ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$518,000  
General Fund--State Appropriation (FY 2005) \$519,000  
TOTAL APPROPRIATION \$1,037,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2004) \$14,057,000  
General Fund--State Appropriation (FY 2005) \$13,378,000  
General Fund--Federal Appropriation \$23,508,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$242,000  
State Auditing Services Revolving Account--State Appropriation \$25,000  
TOTAL APPROPRIATION \$51,210,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to conduct a comprehensive study of the Washington education finance system, including examination of alternative teacher compensation models.

(2) The study shall, at a minimum:



(a) Compare Washington's common school funding system with those in other states that are beginning to link finance systems with education reform and expected student learning outcomes;

(b) Review the role of state and local funding and levy equalization policies in the Washington common school finance system, building upon the 2002 joint task force on local effort assistance report;

(c) Design alternative common school finance systems for Washington, with consideration of the following principles:

(i) Aligning the finance system with the policy expectations and goals established under education reform to provide all students the opportunity to achieve state standards;

(ii) Recognizing staffing as a key component of school district costs, including the number of and compensation for certificated instructional staff, certificated administrative staff, and classified staff;

(iii) Providing stable and predictable funding for school districts;

(iv) Supporting local flexibility in program delivery; and

(v) Providing accountability for taxpayers focused on student learning outcomes;

(d) Design one or more alternative compensation models that:

(i) Attract and retain high performing teachers in all Washington schools;

(ii) Reward teachers for improving their skills and knowledge in a manner that translates into improved student learning;

(iii) Recognize participation in teacher mentoring programs; and

(iv) Recognize different career stages for teachers and the leadership roles they perform in schools;

(e) Consider the impacts of inflation and cost-of-living adjustments; and

(f) Design a prekindergarten finance system to maximize school readiness and provide smooth transitions for children into kindergarten.

(3)(a) A twenty-three member steering committee shall direct the office of financial management in the system review and the development of alternatives and recommendations.

(b) The governor and the superintendent of public instruction shall jointly appoint the following members of the steering committee: A school board director, two school district administrators, a school principal, two certificated instructional staff, and a classified school employee. When making appointments, the governor and the superintendent shall consider expertise in K-12 financing and regional representation on the committee, including the need for urban, rural, and suburban district perspectives.

(c) The governor shall appoint the following members of the steering committee: An early childhood educator, a parent, a business executive, and three public members.

(d) The steering committee shall include the superintendent of public instruction, or the superintendent's designee.

(e) The steering committee shall also include eight legislators: The speaker of the house of representatives or a designee, the senate majority leader or a designee, the house of representatives and senate minority leaders or designees, and one additional member appointed by each major caucus of the house of representatives and the senate.

(f) The governor, or the governor's appointee, shall chair the committee.

(g) Appointments to the steering committee shall be completed within thirty days of the effective date of this section.

(h) The committee may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for the operation of the committee.

(i) Legislative members of the steering committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. Other members of the steering committee shall, and members of subcommittees may, be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The office of the superintendent of public instruction, the academic achievement and accountability commission, the state board of education, the professional educator standards board, the legislative evaluation and accountability program committee, senate committee services, and the office of program research shall provide data and technical expertise to support the study.

(5) The office of financial management shall report initial findings and recommendations of the committee to the legislature, including the education and fiscal committees of the house of representatives and the senate, by June 30, 2004. A final report shall be provided to the education and fiscal committees of the house of representatives and the senate by December 20, 2004.

(6) \$127,000 of the general fund--state appropriation for fiscal year 2004 and \$122,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(7) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**  
OFFICE OF ADMINISTRATIVE HEARINGS  
Administrative Hearings Revolving Account--State Appropriation \$24,728,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**  
DEPARTMENT OF PERSONNEL  
Department of Personnel Service Account--State Appropriation \$16,355,000  
Higher Education Personnel Services Account--State Appropriation \$1,601,000  
TOTAL APPROPRIATION \$17,956,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY**  
WASHINGTON STATE LOTTERY  
Lottery Administrative Account--State Appropriation \$27,666,000

The appropriation in this section is subject to the following conditions and limitations: Within the funds appropriated in this section, the lottery commission shall provide administrative support to assist a task force to examine possible means to enhance state revenue from gaming as follows:

- (1) The task force shall consist of the following members:
  - (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
  - (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
  - (c) The executive director of the Washington state lottery;
  - (d) The executive director of the Washington state gambling commission; and
  - (e) The governor's designee.
- (2) The task force shall report its findings on possible means to enhance state revenue from gaming to the senate commerce and trade committee, the senate ways and means committee, the house of representatives commerce and labor committee, the house of representatives finance committee, and the house of representatives appropriations committee by January 5, 2004.

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**  
COMMISSION ON HISPANIC AFFAIRS  
General Fund--State Appropriation (FY 2004) \$201,000  
General Fund--State Appropriation (FY 2005) \$201,000  
TOTAL APPROPRIATION \$402,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**  
COMMISSION ON AFRICAN-AMERICAN AFFAIRS  
General Fund--State Appropriation (FY 2004) \$196,000  
General Fund--State Appropriation (FY 2005) \$197,000  
TOTAL APPROPRIATION \$393,000

**NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD**  
PERSONNEL APPEALS BOARD  
Department of Personnel Service Account--State Appropriation \$1,729,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**  
DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS  
Dependent Care Administrative Account--State Appropriation \$386,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,825,000  
TOTAL APPROPRIATION \$46,211,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519 (unreduced duty death survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197 (law enforcement officers' and fire fighters' plan 2 board implementation). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1203 (substitute employees' retirement credit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100 (fallen hero survivor benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206 (plan 3 contributions). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207 (employee death benefits). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) \$528,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829 (retire-rehire reform). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202 (emergency medical technicians' retirement). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(10) \$358,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2180 (early retirement incentives). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD**

**STATE INVESTMENT BOARD**

General Fund--State Appropriation (FY 2004) \$100,000

State Investment Board Expense Account--State Appropriation \$13,320,000

TOTAL APPROPRIATION \$13,420,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a contract with a real estate investment consultant to prepare options and recommended investment strategies for surplus property at the five state residential habilitation centers, where the proceeds will be deposited into an account to fund services for developmentally disabled clients. In developing the recommended strategies for the Fircrest school property, the contractor shall identify an investment strategy that will produce a long-term investment return on the property, without sale of the land. The report shall be submitted to the appropriate committees of the legislature by December 1, 2003.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

**DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2004) \$82,778,000

General Fund--State Appropriation (FY 2005) \$82,347,000

Timber Tax Distribution Account--State Appropriation \$5,215,000

Waste Education/Recycling/Litter Control--State Appropriation \$101,000

State Toxics Control Account--State Appropriation \$67,000

Oil Spill Administration Account--State Appropriation \$14,000

TOTAL APPROPRIATION \$170,522,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$93,000 of the general fund--state appropriation for fiscal year 2004 and \$210,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement House Bill No. 1863 (implementation of the streamlined sales tax agreement). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) \$104,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the implementation of Engrossed House Bill No. 2030 (B&O tax uniformity). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) Amounts appropriated within this section are sufficient to develop a noise exposure map in accordance with House Bill No. 2276 (aviation mitigation zones).

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**

**BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2004) \$1,143,000  
General Fund--State Appropriation (FY 2005) \$990,000  
TOTAL APPROPRIATION \$2,133,000

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**

**MUNICIPAL RESEARCH COUNCIL**

City and Town Research Services Account--State Appropriation \$3,852,000  
County Research Services Account--State Appropriation \$769,000  
TOTAL APPROPRIATION \$4,621,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation \$1,994,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office's revolving fund charges to state agencies may not exceed \$1,282,000.
- (2) During the 2003-05 biennium, the office of minority and women's business enterprises may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office of minority and women's business enterprises and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.
- (3) During fiscal year 2004, the office may raise fees in excess of the fiscal growth factor.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$195,000  
General Fund--State Appropriation (FY 2005) \$277,000  
General Fund--Federal Appropriation \$3,217,000  
General Administration Services Account--State Appropriation \$38,030,000  
TOTAL APPROPRIATION \$41,719,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**

**DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account--State Appropriation \$3,587,000

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER**

**INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$635,000  
Insurance Commissioners Regulatory Account--State Appropriation \$33,008,000  
TOTAL APPROPRIATION \$33,643,000

The appropriations in this section are subject to the following conditions and limitations: \$557,000 of the insurance commissioner's regulatory account--state appropriation is provided solely for a Health Care Access Options Working Group.

(1) The following members of the working group shall be appointed jointly by the speaker of the house of representatives and the president of the senate, in consultation with relevant organizations: Representatives of major state corporations; small businesses; health care consumers; organized labor; health insurance carriers; and health care providers, including a hospital representative, a licensed physician, and a rural health care provider. The insurance commissioner shall serve as the cochair of the working group and shall be responsible for coordinating its administrative and ministerial duties. Four members shall be selected to represent the legislature, to be chosen by each of the four caucuses. The secretary of the department of social and health services, the secretary of the department of health, and the administrator of the Washington state health care authority shall serve as ex officio members of the working group. One of the consumer representatives shall serve as the cochair of the working group, to be elected by the members of the working group.

(2) The health care access options working group shall examine the privately and publicly funded health care insurance system in the state of Washington and develop recommendations for its improvement. Recommendations shall address appropriate levels and delivery of health services in Washington, and access to health services in underserved areas of Washington. The working group shall examine and provide recommendations related to the extent to which employees of large and small employers are electing to enroll in

the basic health plan or the medicaid program rather than employer sponsored health insurance, thereby contributing to increases in state health care costs. In preparing its recommendations the working group shall: Review health insurance laws in other states that are providing greater choice, have more insurance carriers offering health insurance, and greater price flexibility as compared to Washington state; seek input from a broad range of health care stakeholders and the public; seek grant funds for a community meeting process, and coordinate its efforts with similar ongoing community processes; and review the recommendations of previous health care system analyses. The working group shall report its findings and recommendations to the legislature and the governor no later than January 1, 2005.

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY**  
**BOARD OF ACCOUNTANCY**  
Certified Public Accountants' Account--State Appropriation \$1,985,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 of the certified public accountants' account appropriation is provided solely for the implementation of Substitute House Bill No. 1211 (public accountancy act). If the bill is enacted by June 30, 2003, the board may increase fees during the 2003-05 fiscal biennium in excess of the fiscal growth factor as provided in RCW 43.135.055, if the increases are necessary to fully fund the cost of administering the bill. If the bill is not enacted by June 30, 2003, the amount provided shall lapse.

**NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL**  
**FORENSIC INVESTIGATION COUNCIL**  
Death Investigations Account--State Appropriation \$274,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION HORSE RACING**  
**COMMISSION**Horse Racing Commission Account--State Appropriation \$4,621,000

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD**  
**LIQUOR CONTROL BOARD**  
General Fund--State Appropriation (FY 2004) \$1,459,000  
General Fund--State Appropriation (FY 2005) \$1,460,000  
Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000  
Liquor Revolving Account--State Appropriation \$134,274,000  
TOTAL APPROPRIATION \$142,910,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the completion of the merchandising business system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.
- (2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with purchasing merchandise business system software and hardware-related items, and hiring system-related staff.
- (3) By July 1, 2003, the board shall expand operations in at least fifty state-operated retail stores to include Sundays. The board shall select the stores that are expected to gross the most revenues on Sunday. The selected stores shall be open for retail business a minimum of five hours on Sunday. The board shall track gross sales and expenses of the selected stores and compare them to previous years' sales and projected sales and expenses before opening on Sunday. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2004. The board shall not raise retail prices pursuant to RCW 66.16.010 beyond the surcharges and percentage markup in effect on January 1, 2003, until the board has implemented this subsection.

**NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**  
**UTILITIES AND TRANSPORTATION COMMISSION**  
Public Service Revolving Account--State Appropriation \$26,611,000  
Pipeline Safety Account--State Appropriation \$2,809,000

Pipeline Safety Account--Federal Appropriation \$1,084,000  
TOTAL APPROPRIATION \$30,504,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature on July 1st of 2003 and 2004 a list of authorized travel.

(2) Consistent with the purposes of RCW 80.01.080, the commission may accept reimbursement for travel by its employees to participate in multistate regulatory matters.

(3) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS  
BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' Relief and Pension Administrative Account--State Appropriation \$699,000

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT  
MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2004) \$8,524,000

General Fund--State Appropriation (FY 2005) \$8,261,000

General Fund--Federal Appropriation \$82,112,000

General Fund--Private/Local Appropriation \$371,000

Enhanced 911 Account--State Appropriation \$33,959,000

Disaster Response Account--State Appropriation \$190,000

Worker and Community Right to Know Fund--State Appropriation \$290,000

Nisqually Earthquake Account--State Appropriation \$13,129,000

Nisqually Earthquake Account--Federal Appropriation \$48,726,000

TOTAL APPROPRIATION \$195,562,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state fiscal year 2004 appropriation and \$100,000 of the general fund--state fiscal year 2005 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(2) \$35,000 of the general fund--state fiscal year 2004 appropriation and \$35,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the north county emergency medical service.

(3) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(4) \$10,129,000 of the Nisqually earthquake account--state appropriation and \$48,726,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(5) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the

legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$53,555,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$500,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$39,917,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,376,000

General Fund--State Appropriation (FY 2005) \$2,410,000

Department of Personnel Service Account--State Appropriation \$2,545,000

TOTAL APPROPRIATION \$7,331,000

**NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD**  
**GROWTH PLANNING HEARINGS BOARD**

General Fund--State Appropriation (FY 2004) \$1,561,000

General Fund--State Appropriation (FY 2005) \$1,497,000

TOTAL APPROPRIATION \$3,058,000

**NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER**  
**STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operating Account--State Appropriation \$40,705,000

State Convention and Trade Center Account--State Appropriation \$31,037,000

TOTAL APPROPRIATION \$71,742,000

**PART II**  
**HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek,

receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
CHILDREN AND FAMILY SERVICES PROGRAM**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES  
PROGRAM

General Fund--State Appropriation (FY 2004) \$229,578,000  
General Fund--State Appropriation (FY 2005) \$232,801,000  
General Fund--Federal Appropriation \$415,684,000  
General Fund--Private/Local Appropriation \$400,000  
Public Safety and Education Account--State Appropriation \$23,920,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$5,640,000  
TOTAL APPROPRIATION \$908,023,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,659,000 of the general fund--state appropriation for fiscal year 2004, \$10,659,000 of the general fund--state appropriation for fiscal year 2005, and \$5,307,000 of the general fund--federal appropriation are provided solely for family preservation and intervention services such as the alternative response system, continuum of care, family preservation services, and intensive family preservation services.

The department, in consultation with stakeholders, shall propose a service delivery structure for providing family preservation and intervention services that maximizes resources and provides flexibility in responding to the needs of families. Options shall be presented to the legislature that address the following: (a) Service delivery structure; (b) specific outcome measures for the combined programs; (c) request for proposal decision making process; (d) statewide funding distribution formula; and (e) recommendations that will create economies of scale from combining services and programs. The department shall report this information to the children and families committees of the legislature by December 1, 2003.

(2) \$1,076,000 of the general fund--state appropriation for fiscal year 2004, \$1,076,000 of the general fund--state appropriation for fiscal year 2005, and \$322,000 of the general fund--federal appropriation are provided solely for pediatric interim care.

(3) \$807,000 of the fiscal year 2004 general fund--state appropriation, \$856,000 of the fiscal year 2005 general fund--state appropriation, and \$4,151,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 10 percent reduction below the funding level for the 2001-2003 biennium. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes.

(4) Within the funds provided in this section, the department shall maintain 33 secure crisis residential center (SCRC) beds. All SCRCs that are currently colocated with juvenile detention centers shall be closed and the remaining SCRCs shall be reduced to maintain regionality of centers.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
JUVENILE REHABILITATION PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM  
General Fund--State Appropriation (FY 2004) \$78,591,000  
General Fund--State Appropriation (FY 2005) \$77,188,000



General Fund--Federal Appropriation \$12,689,000  
General Fund--Private/Local Appropriation \$1,098,000  
Juvenile Accountability Incentive Account--Federal Appropriation \$9,139,000  
Public Safety and Education Account--State Appropriation \$6,092,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$37,338,000  
TOTAL APPROPRIATION \$222,135,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$696,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,066,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,206,000 of the general fund--state appropriation for fiscal year 2004, \$1,206,000 of the general fund--state appropriation for fiscal year 2005, and \$5,274,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,549,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(6) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(7) \$3,566,000 of the general fund--state appropriation for fiscal year 2004, \$3,566,000 of the general fund--state appropriation for fiscal year 2005, and \$6,092,000 of the public safety and education account--state appropriation are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs. The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(8) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the department no later than 45 days after the end of the fiscal year. The department shall electronically transmit this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(9) \$1,478,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(10) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (9) of this section.

(11) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(12) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(13) The juvenile rehabilitation administration shall allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

(14) \$261,000 of the general fund--state appropriation for fiscal year 2004 and \$820,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(15) \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$831,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the juvenile courts for additional research-based probation services for youth with local dispositions that include community supervision pursuant to chapter 13.40 RCW. The juvenile rehabilitation administration, in consultation with the juvenile court administrators and the Washington state institute for public policy, shall develop a funding formula that distributes the moneys appropriated in this subsection in an equitable manner and in a way that considers county-by-county differences in probation services.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MENTAL HEALTH PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2004) \$208,608,000

General Fund--State Appropriation (FY 2005) \$210,505,000

General Fund--Federal Appropriation \$387,270,000

General Fund--Local Appropriation \$1,970,000

**TOTAL APPROPRIATION \$808,353,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$904,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in

accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2004 increases by up to 5.0 percent over the amount actually paid to that regional support network in fiscal year 2003, and by up to an additional 5.0 percent in fiscal year 2005, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2003.

(h) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. In accordance with the Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds (including medical, long-term care, mental health, and substance abuse treatment) as may be necessary to finance a unified health care plan for the WMIP program enrollment. The state may withhold from calculations of "available resources" as defined in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in this pilot program.

## (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$94,032,000  
General Fund--State Appropriation (FY 2005) \$92,812,000  
General Fund--Federal Appropriation \$134,622,000  
General Fund--Private/Local Appropriation \$26,342,000  
TOTAL APPROPRIATION \$347,808,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

## (3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) \$27,666,000  
General Fund--State Appropriation (FY 2005) \$32,027,000  
TOTAL APPROPRIATION \$59,693,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil

Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$3,746,000

General Fund--State Appropriation (FY 2005) \$3,686,000

General Fund--Federal Appropriation \$6,830,000

TOTAL APPROPRIATION \$14,262,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2004) \$255,628,000

General Fund--State Appropriation (FY 2005) \$259,185,000

General Fund--Federal Appropriation \$430,411,000

Health Services Account--State Appropriation \$1,038,000

TOTAL APPROPRIATION \$946,262,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and \$1,038,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(c) \$510,000 of the general fund--state appropriation for fiscal year 2004, \$784,000 of the general fund--state appropriation for fiscal year 2005, and \$1,259,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings; and (ii) clients without residential services who are at immediate risk of institutionalization or in crisis. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) \$511,000 of the general fund--state appropriation for fiscal year 2004, \$616,000 of the general fund--state appropriation for fiscal year 2005, and \$1,100,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department shall increase its efforts to understand, manage, and control expenditure growth in the developmental disabilities programs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately \$5,000,000. The department shall report to the fiscal committees of the legislature by October 1, 2003, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2004, and by September 1, 2004, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve these savings, the reports shall include recommendations for additional or alternative measures to control costs.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$71,399,000  
General Fund--State Appropriation (FY 2005) \$71,186,000  
General Fund--Federal Appropriation \$144,720,000  
General Fund--Private/Local Appropriation \$11,228,000  
TOTAL APPROPRIATION \$298,533,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

#### (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,256,000  
General Fund--State Appropriation (FY 2005) \$2,256,000  
General Fund--Federal Appropriation \$2,975,000  
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$1,782,000  
TOTAL APPROPRIATION \$9,269,000

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,997,000

### **NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$578,754,000  
General Fund--State Appropriation (FY 2005) \$629,009,000  
General Fund--Federal Appropriation \$1,241,853,000  
General Fund--Private/Local Appropriation \$18,644,000  
Health Services Account--State Appropriation \$4,888,000  
TOTAL APPROPRIATION \$2,473,148,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, \$1,476,000 of the general fund--state appropriation for fiscal year 2005, and \$7,284,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,771,000 of the general fund--state appropriation for fiscal year 2004 and \$1,771,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$143.40 for fiscal year 2004, and no more than \$146.30 for fiscal year 2005. For all facilities, the direct care and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005.

(b) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(c) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(7) \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(8) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(9) Within funds appropriated in this section, the department may expand by up to 200 the number of boarding home beds participating in the dementia pilot project. These additional beds shall provide persons with Alzheimer's disease or related dementias, who might otherwise require nursing home care, accommodation in licensed boarding home facilities that specialize in caring for such conditions.

(10) \$4,947,000 of the general fund--state appropriation for fiscal year 2005 and \$4,809,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.55 per hour on July 1, 2004. All but 11 cents per hour of the July 1, 2004, increase to agency providers shall be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection. The funds provided in this subsection may be transferred from the aging and adult services program to the developmental disabilities program to implement the increases.

(11) \$31,820,000 of the general fund--state appropriation for fiscal year 2004, \$65,638,000 of the general fund--state appropriation for fiscal year 2005, and \$96,118,000 of the general fund--federal appropriation are provided solely for the purposes of implementing the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. These funds may be transferred from the aging and adult services program to various other programs within the department or to other agencies to implement the collective bargaining agreement.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ECONOMIC SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$419,432,000

General Fund--State Appropriation (FY 2005) \$409,145,000

General Fund--Federal Appropriation \$1,210,225,000

General Fund--Private/Local Appropriation \$33,880,000

**TOTAL APPROPRIATION \$2,072,682,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, \$273,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels. The office of financial management shall place an amount of the general fund--federal appropriation in unallotted status in order to align the appropriations for WorkFirst to the submitted spending plan.

(2) \$45,639,000 of the general fund--state appropriation for fiscal year 2004 and \$39,335,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$1,436,000 of the general fund--state appropriation for fiscal year 2004 and \$1,436,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(5) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department may transfer a portion of this amount to other programs within the agency to accomplish this purpose. To the extent that the required expenditure level must be met by funding new services, one-time payments to all SSI clients currently not receiving state supplemental payments shall be provided. Individuals receiving one-time payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2004) \$35,439,000

General Fund--State Appropriation (FY 2005) \$35,440,000

General Fund--Federal Appropriation \$90,642,000

General Fund--Private/Local Appropriation \$630,000

Public Safety and Education Account--State Appropriation \$15,208,000

Criminal Justice Treatment Account--State Appropriation \$8,950,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$47,523,000

**TOTAL APPROPRIATION \$233,832,000**

The appropriations in this section are subject to the following conditions and limitations: \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community based providers in Spokane and Yakima for the provision of

this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MEDICAL ASSISTANCE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$1,157,343,000

General Fund--State Appropriation (FY 2005) \$1,245,383,000

General Fund--Federal Appropriation \$3,742,008,000

General Fund--Private/Local Appropriation \$239,930,000

Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$5,000,000

Health Services Account--State Appropriation \$889,419,000

**TOTAL APPROPRIATION \$7,279,083,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$999,000 of the health services account appropriation for fiscal year 2004, \$1,519,000 of the health services account appropriation for fiscal year 2005, and \$2,142,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, \$52,057,000 of the fiscal year 2004 health services account appropriation, \$35,016,000 of the fiscal year 2005 health services account appropriation, and \$87,074,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$3,500,000 for the 2003-05 biennium.

(9) \$14,616,000 of the health services account appropriation for fiscal year 2004, \$12,394,000 of the health services account appropriation for fiscal year 2005, and \$27,010,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the



additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(10) \$20,000,000 of the general fund--state appropriation for fiscal year 2004, \$20,000,000 of the general fund--state appropriation for fiscal year 2005, and \$40,000,000 of the general fund--federal appropriation are provided solely for grants to providers serving a disproportionate share of low-income and uninsured patients. For purposes of this subsection, providers may include, but are not limited to, hospitals, physicians, and transportation providers. In developing a methodology for distributing grants to hospitals, the department may consider relative net financial margins of hospitals.

(11) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(12) The department shall separately track the total amount of any rebates obtained from drug manufacturers that are supplemental to the amounts required by federal law.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2004 and \$1,403,000 of the general fund--federal appropriation are provided solely for a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches.

(14) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. In accordance with the Washington medicaid integration partnership (WMIP) the department may combine and transfer such medicaid funds (including medical, long-term care, mental health and substance abuse treatment) as may be necessary to finance a unified health care plan for the WMIP program enrollment. The state may withhold from calculations of "available resources" as defined in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in this pilot.

(15) The department may employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(16) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(17) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(18) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(19) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(20) The appropriations in this section reflect lower prescription drug cost trends resulting from implementation of Engrossed Second Substitute House Bill No. 1214 (prescription drugs). As provided in section 15 of Engrossed Second Substitute House Bill No. 1214, the department shall terminate the therapeutic consultation service four brand limit program component earlier than July 1, 2005, if, upon monitoring prescriber compliance with the preferred drug list and trends in the therapeutic consultation service four brand limit program component, the department determines the number of pharmacy claims that trigger the four brand edit exception under therapeutic consultation services is below 925 claims per month for three consecutive months.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
VOCATIONAL REHABILITATION PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) \$10,479,000

General Fund--State Appropriation (FY 2005) \$10,792,000

General Fund--Federal Appropriation \$85,777,000

TOTAL APPROPRIATION \$107,048,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING  
SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$25,827,000  
General Fund--State Appropriation (FY 2005) \$26,169,000  
General Fund--Federal Appropriation \$45,539,000  
General Fund--Private/Local Appropriation \$810,000  
TOTAL APPROPRIATION \$98,345,000

The appropriations in this section are subject to the following conditions and limitations:

\$153,000 of the general fund--state appropriation for fiscal year 2004, \$747,000 of the general fund--state appropriation for 2005, and \$899,000 of the general fund--federal appropriation are provided solely for transition costs associated with the closure of Fircrest school as directed by Engrossed Senate Bill No. 5971 (residential habilitation centers). To minimize the disruption to the ongoing work plan of the developmental disabilities program, the department shall organize the Fircrest school closure and resident transition effort to report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (1) Determine appropriate ways to maximize federal reimbursement during the closure of the facility;
- (2) Negotiate with representatives of employees affected by the closure to determine strategies such as individual employment counseling through the department of personnel and employment security; retraining and placement into other state jobs; and ways to cover the costs of unemployment benefits.
- (3) Examine opportunities for state employees to continue caring for clients by assisting them in setting up community residential alternatives. In conducting the review, the department will examine efforts pursued by other states as part of institutional closure efforts.
- (4) Provide recommendations to the appropriate committees of the legislature on ways to reduce operational costs at the remaining residential habilitation centers, paying particular attention to the following: (a) Direct and indirect staffing levels of an residential habilitation center skilled nursing facility as compared to a comparable private skilled nursing facility or state-operated skilled nursing facilities in other states; (b) the level of active treatment provided to clients residing in designated skilled nursing facility beds; and (c) overall staffing levels. The administration may use funds from the appropriation to authorize a contract for assistance. These recommendations will be included in the report provided in (e) of this subsection.
- (5) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the services offered at Fircrest school to clients being served in community settings.
- (6) Provide regular electronic updates to the appropriate committees of the legislature on progress and updates to the facility closure work plan. In addition, the department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.
- (7) The department shall consult with the city of Shoreline on the development of a master plan for the Fircrest property.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
PAYMENTS TO OTHER AGENCIES PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM  
General Fund--State Appropriation (FY 2004) \$43,882,000  
General Fund--State Appropriation (FY 2005) \$43,882,000  
General Fund--Federal Appropriation \$43,674,000  
TOTAL APPROPRIATION \$131,438,000

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY**  
STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2004) \$39,000  
General Fund--State Appropriation (FY 2005) \$37,000  
State Health Care Authority Administrative Account--State Appropriation \$18,273,000  
Health Services Account--State Appropriation \$427,663,000  
General Fund--Federal Appropriation \$2,711,000  
TOTAL APPROPRIATION \$448,723,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$6,000,000 of the health services account--state appropriation is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for

interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(2) \$172,231,000 of the health services account--state appropriation is provided solely for expenditure in calendar year 2004 and \$96,292,000 of the health services account--state appropriation is provided solely for expenditure in calendar year 2005 to subsidize enrollment for persons in the basic health plan. In order to maximize the number of enrollees that the appropriation in the subsection can support, the health care authority is directed to make modifications in the basic health plan that will reduce the actuarial value of basic health plan coverage. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventive services. The health care authority shall base its enrollment policies during the 2003-2005 biennium on its September 6, 2001, administrative policy on basic health enrollment management.

(3) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(4) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay for the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per person per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(5)(a) In coordination with the department of social and health services medical assistance administration and other interested entities, the administrator will identify and design pilot projects to improve health care coverage access, including review of proposals by entities that have received funding through the federal health resources and services administration community access program. The administrator may identify pilot projects that are found feasible and that will not require financial resources beyond those appropriated for the basic health plan or the medical assistance administration in the biennial operating budget. Pilot projects may include applying basic health plan or medical assistance subsidy payments toward employer-sponsored health insurance or other health insurance premium shares, rather than as direct payments to managed health care systems participating in the basic health plan or medical assistance program.

(b) The schedule of benefits for persons enrolled through a potential pilot project may differ from the benefits offered through the basic health plan, but shall be reasonably comparable in value to those benefits.

(c) By November 1, 2003, the administrator and the secretary of the department of social and health services shall jointly report to the health care committees of the senate and the house of representatives on their progress in developing the pilot projects, the requested implementation date of any pilot project under development, and any statutory changes needed to implement the pilot projects.

(6) Upon enactment of Engrossed Substitute House Bill No. 1299 (state purchased health care) during the 2003 legislative session, the administrator, in coordination with the department of social and health services and the department of labor and industries shall undertake an evidence-based review and assessment of the effectiveness of spinal cord stimulators and drug infusion pumps. In performing the assessment, the administrator and the departments shall consider the best available external clinical evidence derived from systematic research, and relevant coverage criteria and standards adopted by other federal and state health care programs.

(7) Within the amounts appropriated in this act, sufficient funding is provided for implementation of Second Substitute House Bill No. 1214 (prescription drugs). In the event that neither Second Substitute House Bill No. 1214 nor Engrossed Substitute Senate Bill No. 5904 are enacted, the administrator shall:

(a) Adopt a preferred drug list, in consultation with a pharmacy and therapeutics advisory committee established by the administrator. The committee shall use an evidence-based process to evaluate the efficacy of prescription drugs, considering safety, efficacy, likelihood of compliance, outcomes, and any unique impacts on specific populations. For each therapeutic class reviewed, the committee must identify the prescription drugs determined to be most clinically effective, and if applicable, equally effective.

(b) Coordinate prescription drug purchasing by state purchased health care programs, using the preferred drug list as the basis for prescription drug purchasing. In administering prescription drug benefits under state purchased health care programs, agencies shall honor an endorsing prescriber's direction to dispense a prescription drug as written on the prescription order or to continue therapy with antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drugs;

(c) Explore joint prescription drug purchasing opportunities with other states; and

(d) Establish drug utilization management policies and prescriber and consumer education policies for state purchased health care programs.

(8)(a) To maximize opportunities to decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources, collectively:

(i) Assess each of the strategies in (b) of this subsection;

(ii) Take steps to implement by December 31, 2004, those strategies in (b) of this subsection that are feasible to implement, taking into consideration fiscal constraints, and federal or state statutory or regulatory barriers;

(iii) To the extent that a strategy in (b) of this subsection cannot be implemented by December 2004, identify the specific fiscal constraints, or the specific federal or state statutory or regulatory barriers, that prevent its implementation; and

(iv) On or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the activities provided in (a)(i) through (iii) of this subsection.

(b) The strategies to be assessed under this subsection include the following:

(i) Improve core services, including: Improving timeliness of claims processing and responses to provider inquiries; improving distribution of medical assistance program fee schedules; and clearly defining and communicating scope of coverage under managed care contracts;

(ii) Streamline current administrative practices, including: Maximizing the capacity for electronic billing and claims submission; and providing electronic access to eligibility, benefits exclusion, and authorization information;

(iii) Establish clear expectations, including developing clear auditing and data requirements for contracting managed health care plans; and improving consistency between edits in claims processing systems and published fee schedules;

(iv) Increase consistency with national and regional standards, including: Eliminating "local" billing codes wherever possible; adopting medicare's ambulatory patient classification system for outpatient hospital payments; and increasing the extent to which state agencies accept compliance with standards adopted by national managed care accreditation organizations as meeting agency requirements for managed care contractors; and

(v) Standardize similarities between agencies, including applying codes consistently across state-purchased health care programs; eliminating burdensome data collection by having state agencies collect data that is available from other state agencies; coordinating audits by state agencies; and standardizing definitions and interpretations of services.

(c) \$39,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for administrative costs associated with providing health insurance coverage to state-funded individual providers through the basic health plan or an equivalent health plan determined by the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. If an equivalent health plan is purchased under the terms of the collective bargaining agreement, the health care authority shall transfer the funds in this appropriation to the department of social and health services.

#### **NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**

##### **HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,376,000

General Fund--State Appropriation (FY 2005) \$2,415,000

General Fund--Federal Appropriation \$1,523,000

General Fund--Private/Local Appropriation \$100,000

**TOTAL APPROPRIATION \$6,414,000**

#### **NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

##### **BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation \$20,000

Accident Account--State Appropriation \$15,129,000

Medical Aid Account--State Appropriation \$15,128,000

**TOTAL APPROPRIATION \$30,277,000**

#### **NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

##### **CRIMINAL JUSTICE TRAINING COMMISSION**

Municipal Criminal Justice Assistance Account--Local Appropriation \$460,000

Death Investigations Account--State Appropriation \$148,000

Public Safety and Education Account--State Appropriation \$17,854,000

**TOTAL APPROPRIATION \$18,462,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**  
DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004) \$5,878,000  
General Fund--State Appropriation (FY 2005) \$5,876,000  
Public Safety and Education Account--State Appropriation \$22,429,000  
Public Safety and Education Account--Federal Appropriation \$8,462,000  
Asbestos Account--State Appropriation \$693,000  
Electrical License Account--State Appropriation \$29,047,000  
Farm Labor Revolving Account--Private/Local Appropriation \$28,000  
Worker and Community Right-to-Know Account--State Appropriation \$2,548,000  
Public Works Administration Account--State Appropriation \$2,435,000  
Accident Account--State Appropriation \$189,517,000  
Accident Account--Federal Appropriation \$13,398,000  
Medical Aid Account--State Appropriation \$188,431,000  
Medical Aid Account--Federal Appropriation \$2,962,000  
Plumbing Certificate Account--State Appropriation \$1,461,000  
Pressure Systems Safety Account--State Appropriation \$2,815,000  
TOTAL APPROPRIATION \$475,980,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$100,000 of the medical aid account--state appropriation is provided solely to implement House Bill No. 2122 (state purchased health care). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(3) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(4) \$378,000 of the accident account--state appropriation is provided solely for the purpose of contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides, and to collect and analyze data related to such monitoring.

**NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**  
INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2004) \$981,000  
General Fund--State Appropriation (FY 2005) \$981,000  
TOTAL APPROPRIATION \$1,962,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2004) \$1,536,000  
General Fund--State Appropriation (FY 2005) \$1,537,000  
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000  
TOTAL APPROPRIATION \$3,084,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) \$2,585,000  
General Fund--State Appropriation (FY 2005) \$2,585,000  
General Fund--Federal Appropriation \$309,000  
General Fund--Private/Local Appropriation \$1,670,000  
TOTAL APPROPRIATION \$7,149,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$7,500,000  
General Fund--State Appropriation (FY 2005) \$5,918,000  
General Fund--Federal Appropriation \$27,336,000  
General Fund--Private/Local Appropriation \$27,934,000  
TOTAL APPROPRIATION \$68,688,000

**NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY**

HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2004) \$1,072,000  
General Fund--State Appropriation (FY 2005) \$927,000  
TOTAL APPROPRIATION \$1,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the design and development of the home care provider registry mandated by Initiative Measure No. 775.

(2) \$667,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for costs associated with ongoing administrative, labor, and employment relations costs determined by the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2004) \$60,151,000  
General Fund--State Appropriation (FY 2005) \$62,343,000  
Health Services Account--State Appropriation \$34,293,000  
General Fund--Federal Appropriation \$349,154,000  
General Fund--Private/Local Appropriation \$93,104,000  
Hospital Commission Account--State Appropriation \$2,492,000  
Health Professions Account--State Appropriation \$40,740,000  
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$22,053,000  
Safe Drinking Water Account--State Appropriation \$2,738,000  
Drinking Water Assistance Account--Federal Appropriation \$13,520,000  
Waterworks Operator Certification--State Appropriation \$637,000  
Water Quality Account--State Appropriation \$3,375,000  
Accident Account--State Appropriation \$260,000  
Medical Aid Account--State Appropriation \$46,000  
State Toxics Control Account--State Appropriation \$2,775,000  
Medical Test Site Licensure Account--State Appropriation \$1,720,000  
Youth Tobacco Prevention Account--State Appropriation \$1,806,000  
Tobacco Prevention and Control Account--State Appropriation \$52,516,000  
TOTAL APPROPRIATION \$743,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, emergency medical services personnel, commercial shellfish licenses, and newborn screening programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,675,000 of the general fund--state fiscal year 2004 appropriation and \$1,676,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$21,650,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545. If Substitute Senate Bill No. 5545 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(6) The appropriations in this section assume a reduction in the level of state funding to the AIDSNETs. In implementing this reduction, the department will direct that administrative efficiencies will be implemented before reductions to direct services.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**  
**DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund--State Appropriation (FY 2004) \$38,443,000  
General Fund--State Appropriation (FY 2005) \$35,468,000  
Public Safety and Education Account--State Appropriation \$3,665,000  
Violence Reduction and Drug Enforcement Account Appropriation \$26,000  
TOTAL APPROPRIATION \$77,602,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,250,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2004) \$439,844,000  
General Fund--State Appropriation (FY 2005) \$446,036,000  
General Fund--Federal Appropriation \$8,746,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$2,984,000  
TOTAL APPROPRIATION \$897,610,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

**(3) COMMUNITY SUPERVISION**

General Fund--State Appropriation (FY 2004) \$73,845,000  
General Fund--State Appropriation (FY 2005) \$74,203,000  
Public Safety and Education Account--State Appropriation \$15,492,000  
TOTAL APPROPRIATION \$163,540,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$2,767,000 of the general fund--state appropriation for fiscal year 2004 and \$2,871,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the provision of electronic monitoring services to offenders who receive earned early release time at the rate of fifty percent pursuant to the implementation of Senate Bill No. 5990 (supervision of offenders). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

#### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$628,000  
General Fund--State Appropriation (FY 2005) \$628,000  
TOTAL APPROPRIATION \$1,256,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

#### (5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) \$27,951,000  
General Fund--State Appropriation (FY 2005) \$27,986,000  
TOTAL APPROPRIATION \$55,937,000

**Sec. 223.** 2003 c 10 s 218 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS.**

**DEPARTMENT OF CORRECTIONS** The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

#### (1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000  
General Fund--State Appropriation (FY 2003) (~~(\$36,239,000)~~) \$32,989,000  
  
Public Safety and Education Account--State Appropriation \$1,576,000  
Violence Reduction and Drug Enforcement Account Appropriation \$3,254,000  
TOTAL APPROPRIATION (~~(\$77,855,000)~~) \$74,605,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$4,623,000)~~) \$1,373,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.



## (2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000  
General Fund--State Appropriation (FY 2003) \$433,915,000  
General Fund--Federal Appropriation \$9,936,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$1,596,000  
Public Health Services Account Appropriation \$1,453,000  
TOTAL APPROPRIATION \$851,290,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

## (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000  
General Fund--State Appropriation (FY 2003) \$77,436,000  
General Fund--Federal Appropriation \$870,000  
Public Safety and Education Account--State Appropriation \$15,493,000  
TOTAL APPROPRIATION \$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No.

5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000  
General Fund--State Appropriation (FY 2003) \$629,000  
TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$18,568,000  
General Fund--State Appropriation (FY 2003) \$18,569,000  
TOTAL APPROPRIATION \$37,137,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**  
**DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2004) \$1,747,000  
General Fund--State Appropriation (FY 2005) \$1,747,000  
General Fund--Federal Appropriation \$14,334,000  
General Fund--Private/Local Appropriation \$80,000  
TOTAL APPROPRIATION \$17,908,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**  
**SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2004) \$650,000  
General Fund--State Appropriation (FY 2005) \$652,000  
TOTAL APPROPRIATION \$1,302,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
**EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation \$267,620,000  
General Fund--Private/Local Appropriation \$30,217,000  
Unemployment Compensation Administration Account--Federal Appropriation \$185,710,000  
Administrative Contingency Account--State Appropriation \$14,751,000  
Employment Service Administrative Account--State Appropriation \$23,240,000  
TOTAL APPROPRIATION \$521,538,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the administrative contingency account--state appropriation is provided solely to establish an advisory partnership on the Washington manufacturing sector as specified in this section.

(1) The employment security department shall convene the partnership, which shall consist of the following twelve members:

(a) One member from each caucus of the house of representatives, each member being a member of the house of representatives commerce and labor committee, appointed by the speaker of the house of representatives;

(b) One member from each caucus of the senate, each member being a member of the senate commerce and trade committee, appointed by the president of the senate;

(c) Two members representing labor, appointed jointly by the president of the senate and the speaker of the house of representatives, from a list of names recommended by a statewide organization representing a cross-section and majority of organized labor in the state;

(d) Two members representing business, appointed jointly by the president of the senate and the speaker of the house of representatives, from a list of names recommended by a statewide organization of employers representing a majority of employers of the state;

(e) One member representing the Washington competitiveness council, appointed by the governor;

(f) One member representing the department of community, trade, and economic development;

(g) One member representing the department of revenue; and

(h) One member representing a state technology agency such as the Spokane intercollegiate research and technical institute, or the Washington technology center.

(2) The labor market and economic analysis branch of the employment security department shall assist the manufacturing advisory partnership as necessary to perform studies, develop recommendations, and report to the legislature concerning issues related to the manufacturing sector.

(3) The manufacturing advisory partnership, with the assistance of the employment security department, shall review policies and programs related to Washington's manufacturing sector that are developed or administered by public or private entities. These entities shall include, but are not limited to, the Washington state competitiveness council, the state economic development commission, the department of community, trade, and economic development, the department of revenue, state technology agencies, and the Washington manufacturing service.

(4) The manufacturing advisory partnership, with the assistance of the employment security department, shall also study and make findings and recommendations related to the following aspects of Washington's manufacturing sector:

(a) Legislative policies and programs related to Washington's manufacturing sector;

(b) The work force education and training needs of the manufacturing sector;

(c) The use of manufacturing skill standards to enhance work force development and human resources practices;

(d) The activities necessary to develop regionally strategic industry clusters; and

(e) Other issues identified by the partnership.

(5) The manufacturing advisory partnership shall report its findings and recommendations to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1 of each year.

(6) Legislative members of the manufacturing advisory partnership shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

### **PART III NATURAL RESOURCES**

#### **NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2004) \$594,000

General Fund--State Appropriation (FY 2005) \$600,000

General Fund--Private/Local Appropriation \$763,000

**TOTAL APPROPRIATION \$1,957,000**

The appropriations in this section are subject to the following conditions and limitations: \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

#### **NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2004) \$34,606,000

General Fund--State Appropriation (FY 2005) \$32,406,000

General Fund--Federal Appropriation \$57,363,000

General Fund--Private/Local Appropriation \$3,722,000

Special Grass Seed Burning Research Account--State Appropriation \$14,000

Reclamation Revolving Account--State Appropriation \$2,768,000

Flood Control Assistance Account--State Appropriation \$2,025,000

State Emergency Water Projects Revolving Account--State Appropriation \$554,000

Waste Reduction/Recycling/Litter Control Account--State Appropriation \$13,746,000

State Drought Preparedness Account--State Appropriation \$1,710,000

State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$597,000

Vehicle Tire Recycling Account--State Appropriation \$3,000,000

Site Closure Account--State Appropriation \$629,000

Water Quality Account--State Appropriation \$24,304,000

Wood Stove Education and Enforcement Account--State Appropriation \$356,000

Worker and Community Right-to-Know Account--State Appropriation \$3,365,000

State Toxics Control Account--State Appropriation \$60,098,000

State Toxics Control Account--Private/Local Appropriation \$112,000

Local Toxics Control Account--State Appropriation \$4,904,000

Water Quality Permit Account--State Appropriation \$25,305,000  
 Underground Storage Tank Account--State Appropriation \$2,724,000  
 Environmental Excellence Account--State Appropriation \$504,000  
 Biosolids Permit Account--State Appropriation \$788,000  
 Hazardous Waste Assistance Account--State Appropriation \$4,205,000  
 Air Pollution Control Account--State Appropriation \$1,662,000  
 Oil Spill Prevention Account--State Appropriation \$7,783,000  
 Air Operating Permit Account--State Appropriation \$3,709,000  
 Freshwater Aquatic Weeds Account--State Appropriation \$2,505,000  
 Oil Spill Response Account--State Appropriation \$7,078,000  
 Metals Mining Account--State Appropriation \$19,000  
 Water Pollution Control Revolving Account--State Appropriation \$382,000  
 Water Pollution Control Revolving Account--Federal Appropriation \$1,879,000  
 Vessel Response Account Appropriation \$2,800,000  
 TOTAL APPROPRIATION \$307,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments as required by the shoreline settlement agreement.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$300,000 of the state toxics control account appropriation is provided solely to implement the department's persistent bioaccumulative toxic (PBT) chemical strategy. The department shall conduct baseline PBT sampling and monitoring of fish tissue at twenty lakes per year and shall implement the mercury chemical action plan, which shall include, but is not limited to: The development and implementation of a memorandum of understanding with the Washington state dental association regarding amalgam handling and disposal; the adoption of a universal waste rule for mercury added products; educational outreach to the medical community about disposal of hazardous waste; and the development and implementation of a voluntary fluorescent lamp recycling program.

(8) \$166,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(9) \$3,000,000 of the vehicle tire recycling account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1705 (tire recycling). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

STATE PARKS AND RECREATION COMMISSION  
 General Fund--State Appropriation (FY 2004) \$27,124,000  
 General Fund--State Appropriation (FY 2005) \$27,110,000  
 General Fund--Federal Appropriation \$2,672,000  
 General Fund--Private/Local Appropriation \$63,000  
 Winter Recreation Program Account--State Appropriation \$1,081,000  
 Off Road Vehicle Account--State Appropriation \$192,000  
 Snowmobile Account--State Appropriation \$4,675,000  
 Aquatic Lands Enhancement Account--State Appropriation \$334,000

Public Safety and Education Account--State Appropriation \$47,000  
Parks Renewal and Stewardship Account--State Appropriation \$38,437,000  
TOTAL APPROPRIATION \$101,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2004) \$283,000  
General Fund--State Appropriation (FY 2005) \$292,000  
General Fund--Federal Appropriation \$16,358,000  
Firearms Range Account--State Appropriation \$22,000  
Recreation Resources Account--State Appropriation \$2,624,000  
NOVA Program Account--State Appropriation \$659,000  
Water Quality Account--State Appropriation \$200,000  
TOTAL APPROPRIATION \$20,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

**ENVIRONMENTAL HEARINGS OFFICE**  
General Fund--State Appropriation (FY 2004) \$925,000  
General Fund--State Appropriation (FY 2005) \$962,000  
TOTAL APPROPRIATION \$1,887,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

**CONSERVATION COMMISSION**  
General Fund--State Appropriation (FY 2004) \$2,184,000  
General Fund--State Appropriation (FY 2005) \$2,195,000  
Water Quality Account--State Appropriation \$2,168,000  
TOTAL APPROPRIATION \$6,547,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$68,000 of the general fund--state appropriation for fiscal year 2004 and \$71,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2004) \$41,566,000  
 General Fund--State Appropriation (FY 2005) \$40,286,000  
 General Fund--Federal Appropriation \$31,709,000  
 General Fund--Private/Local Appropriation \$24,372,000  
 Off Road Vehicle Account--State Appropriation \$341,000  
 Aquatic Lands Enhancement Account--State Appropriation \$5,641,000  
 Public Safety and Education Account--State Appropriation \$562,000  
 Recreational Fisheries Enhancement Account--State Appropriation \$3,404,000  
 Warm Water Game Fish Account--State Appropriation \$2,582,000  
 Eastern Washington Pheasant Enhancement Account--State Appropriation \$750,000  
 Wildlife Account--State Appropriation \$56,742,000  
 Wildlife Account--Federal Appropriation \$38,325,000  
 Wildlife Account--Private/Local Appropriation \$15,189,000  
 Game Special Wildlife Account--State Appropriation \$1,955,000  
 Game Special Wildlife Account--Federal Appropriation \$9,606,000  
 Game Special Wildlife Account--Private/Local Appropriation \$350,000  
 Water Quality Account--State Appropriation \$4,000  
 Environmental Excellence Account--State Appropriation \$15,000  
 Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$1,750,000  
 Oil Spill Prevention Account--State Appropriation \$982,000  
 Oyster Reserve Land Account--State Appropriation \$137,000  
 TOTAL APPROPRIATION \$276,268,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.
- (2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) \$850,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.
- (4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.
- (5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.
- (6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.
- (8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.
- (9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.
- (10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.
- (11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.
- (12) \$35,000 of the state wildlife account--state appropriation is provided solely to implement Second Substitute House Bill No. 1725 (catch record cards). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (13) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute

House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) Within the amounts provided in this section, sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure). The department shall enter into an interagency agreement with the conservation commission and provide up to \$100,000 for the assessments leading to the development of the Skagit tide gates and estuarine habitat plans. If the bill is not enacted by June 30, 2003, this subsection shall lapse.

(15) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(16) Within the amounts provided in this section, sufficient funding is provided to implement Engrossed Substitute Senate Bill No. 5375 (hydraulic project approval).

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2004) \$31,874,000

General Fund--State Appropriation (FY 2005) \$31,372,000

General Fund--Federal Appropriation \$3,809,000

General Fund--Private/Local Appropriation \$2,482,000

Forest Development Account--State Appropriation \$52,154,000

Off Road Vehicle Account--State Appropriation \$3,544,000

Surveys and Maps Account--State Appropriation \$2,770,000

Aquatic Lands Enhancement Account--State Appropriation \$6,889,000

Resources Management Cost Account--State Appropriation \$62,663,000

Surface Mining Reclamation Account--State Appropriation \$2,305,000

Disaster Response Account--State Appropriation \$6,200,000

Water Quality Account--State Appropriation \$2,497,000

Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,357,000

Natural Resource Conservation Areas Stewardship Account Appropriation \$83,000

Air Pollution Control Account--State Appropriation \$528,000

Agricultural College Trust Management Account Appropriation \$1,876,000

Derelict Vessel Removal Account--State Appropriation \$1,130,000

**TOTAL APPROPRIATION \$213,533,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$3,784,000 of the general fund--state appropriation for fiscal year 2004, \$3,841,000 of the general fund--state appropriation for fiscal year 2005, and \$6,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.

(10) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting). The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(11) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(12) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2004) \$7,378,000

General Fund--State Appropriation (FY 2005) \$7,237,000

General Fund--Federal Appropriation \$10,082,000

General fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State Appropriation \$1,940,000

Water Quality Account--State Appropriation \$636,000

State Toxics Control Account--State Appropriation \$2,584,000

Water Quality Permit Account--State Appropriation \$110,000

**TOTAL APPROPRIATION \$31,077,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$110,000 of the water quality permit account--state appropriation and \$640,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations). If the bill is not enacted by June 30, 2003, these appropriations shall be transferred to the department of ecology.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY**  
**REINSURANCE PROGRAM**

**WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation \$982,000

**PART IV**  
**TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**  
**DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2004) \$4,987,000

General Fund--State Appropriation (FY 2005) \$5,019,000

Architects' License Account--State Appropriation \$693,000

Cemetery Account--State Appropriation \$236,000

Professional Engineers' Account--State Appropriation \$3,027,000

Real Estate Commission Account--State Appropriation \$7,114,000

Master License Account--State Appropriation \$9,093,000

Uniform Commercial Code Account--State Appropriation \$2,976,000

Real Estate Education Account--State Appropriation \$276,000

Real Estate Appraisers Commission Account--State Appropriation \$927,000



Geologist's Account--State Appropriation \$8,000  
Funeral Directors and Embalmers Account--State Appropriation \$519,000  
Washington Real Estate Research Account--State Appropriation \$308,000  
Data Processing Revolving Account--State Appropriation \$29,000  
TOTAL APPROPRIATION \$35,212,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

**STATE PATROL**

General Fund--State Appropriation (FY 2004) \$20,126,000  
General Fund--State Appropriation (FY 2005) \$18,976,000  
General Fund--Federal Appropriation \$4,234,000  
General Fund--Private/Local Appropriation \$378,000  
Death Investigations Account--State Appropriation \$4,477,000  
Public Safety and Education Account--State Appropriation \$19,630,000  
Enhanced 911 Account--State Appropriation \$612,000  
County Criminal Justice Assistance Account--State Appropriation \$3,190,000  
Municipal Criminal Justice Assistance Account--State Appropriation \$1,695,000  
Fire Service Trust Account--State Appropriation \$125,000  
Fire Service Training Account--State Appropriation \$7,326,000  
State Toxics Control Account--State Appropriation \$474,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$284,000  
Fingerprint Identification Account--State Appropriation \$4,397,000  
TOTAL APPROPRIATION \$85,924,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2004) \$11,800,000  
General Fund--State Appropriation (FY 2005) \$11,777,000  
General Fund--Federal Appropriation \$15,921,000  
TOTAL APPROPRIATION \$39,498,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,836,000 of the general fund--state appropriation for fiscal year 2004 and \$10,833,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and \$416,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$120,000 of the fiscal year 2004 appropriation and \$100,000 of the fiscal year 2005 appropriation are provided solely for an early learning and child care task force. The task force shall be under the joint authority of the governor and the superintendent of public instruction who shall deliver a progress report on the work of the task force to the legislature by January 15, 2004, and who shall deliver a final report to the legislature by December 1, 2004.

(i) The task force shall develop a plan for the coordination of early learning and child care programs and services, including a plan for consolidating such programs and services, as appropriate.

(ii) The governor and the superintendent of public instruction, in consultation with the task force, shall create consistent early learning goals for children younger than school age that are aligned with K-12 standards.

(iii) The task force shall consist of seventeen members as follows:

(A) Five members recommended by the child care coordinating committee, jointly appointed by the governor and the superintendent of public instruction;

(B) Four members appointed by the governor;

(C) Four members appointed by the superintendent of public instruction; and

(D) Four members of the legislature, each of whom shall serve as ex officio, nonvoting members of the task force: One appointed by the speaker of the house of representatives; one appointed by the senate majority leader; one appointed by the house of representatives minority leader; and one appointed by the senate minority leader.

(iv) The governor and the superintendent of public instruction shall each appoint a cochair of the task force from among its membership.

(v) Initial appointments to the task force shall be made within thirty days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments.

(vi) Nongovernmental members of the task force shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The superintendent shall, in coordination with the department of health, develop a model nutritional policy for local school districts to consider when establishing food and nutrition policies. The model policy shall be based on current nutritional science and shall provide schools with options regarding the nutritional content of meals served in public schools, foods sold in competition with those meals, the content of course curricula regarding nutrition, and strategies to increase the physical activity of students. The superintendent shall distribute the policy to school districts and school directors for their consideration and use. On or before December 1, 2004, the superintendent shall report to appropriate policy committees of the legislature on the extent to which school districts have adopted a food and nutrition policy.

## (2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) \$8,915,000

General Fund--State Appropriation (FY 2005) \$9,276,000

General Fund--Federal Appropriation \$66,405,000

TOTAL APPROPRIATION \$84,596,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

### (a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be

chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) A maximum of \$194,000 of the general fund--state appropriation for fiscal year 2004, a maximum of \$194,000 of the general fund--state appropriation for fiscal year 2005, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(v) \$13,663,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$302,000 of the fiscal year 2004 appropriation and \$603,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012. If Second Substitute House Bill No. 2012 is not enacted by June 30, 2003, these amounts shall lapse.

(ii) A maximum of \$1,020,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,020,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the

Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$1,433,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(ix) \$9,510,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(x) \$12,977,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2004) \$3,968,730,000

General Fund--State Appropriation (FY 2005) \$3,989,273,000

TOTAL APPROPRIATION \$7,958,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional

assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and 9.68 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.24 percent in the 2003-04 school year and 12.24 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,952 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,983 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$17,057 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$5,422,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$504,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year; and

(c) A maximum of \$353,000 may be expended for school district emergencies.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic

education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 24, 2003, at 04:09 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff and for classified staff 8.74 percent for school year 2003-04 and 8.74 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff  
For School Year 2003-04

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or Ph.D.
0	28,300	29,064	29,856	30,649	33,196	34,836	33,929	36,476	38118
1	28,680	29,455	30,257	31,086	33,659	35,291	34,306	36,879	38510
2	29,327	30,117	30,936	31,837	34,428	36,093	35,025	37,616	39280
3	30,293	31,107	31,950	32,899	35,536	37,274	36,089	38,725	40464
4	30,975	31,833	32,690	33,681	36,360	38,129	36,840	39,519	41288
5	31,682	32,553	33,427	34,483	37,179	39,001	37,610	40,307	42129
6	32,091	32,943	33,847	34,956	37,639	39,470	38,023	40,706	42537
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45172
9			37,266	38,591	41,443	43,481	41,656	44,510	46548
		36,272							

10		39,898	42,788	44,894	42,964	45,855	47960
		38,477					
11			44,196	46,344	44,309	47,263	49410
			41,243				
12			45,642	47,854	45,707	48,708	50921
			42,545				
13				49,401	47,154	50,189	52467
				47,123			
14				51,006	48,644	51,775	54073
				48,611			
15				52,333	49,908	53,121	55479
				49,876			
16 or more				53,379	50,906	54,183	56588
				50,873			

K-12 Salary Allocation Schedule For Certificated Instructional Staff  
For School Year 2004-05

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or Ph.D.
0	28,866	29,645	30,453	31,262	33,860	35,533	34,608	37206	38880
1	29,254	30,044	30,862	31,708	34,332	35,996	34,993	37,616	39281
2	29,913	30,720	31,554	32,473	35,116	36,815	35,726	38,368	40066
3	30,898	31,730	32,589	33,557	36,247	38,019	36,811	39,499	41273



4	31,594	32,470	33,343	34,354	37,087	38,891	37,576	40,309	42113
5	32,316	33,205	34,096	35,172	37,923	39,781	38,363	41,113	42972
6	32,733	33,602	34,523	35,656	38,392	40,260	38,783	41,520	43388
7	33,802	34,692	35,636	36,841	39,645	41,585	39,968	42,773	44713
8	34,886	35,825	36,791	38,095	40,938	42,948	41,223	44,066	46076
9		36,998	38,011	39,363	42,272	44,351	42,490	45,400	47479
10				40,696	43,644	45,792	43,824	46,772	48919
			39,247						
11					45,080	47,270	45,195	48,208	50398
				42,068					
12					46,555	48,811	46,621	49,682	51939
				43,396					
13						50,389	48,097	51,193	53517
					48,065				
14						52,026	49,617	52,810	55154
					49,584				
15						53,379	50,906	54,183	56588
					50,873				
16 or more						54,446	51,924	55,267	57720
					51,891				

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and  
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION--SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2004) \$32,025,000

General Fund--State Appropriation (FY 2005) \$169,516,000

General Fund--Federal Appropriation \$877,000

TOTAL APPROPRIATION \$202,418,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of \$58,757,000 is provided for a cost of living adjustment for state formula staff units of 2.0 percent effective September 1, 2004. The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for certificated staff and 8.74 percent for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments effective September 1, 2004, as follows:

	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.45
Highly Capable (per formula student)	\$4.83
Transitional Bilingual Education (per eligible bilingual student)	\$12.95
Learning Assistance (per entitlement unit)	\$6.43
Substitute Teacher (allocation per teacher, section 502(7))	\$10.62

(2) \$143,661,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$496.69 per month for the 2003-04 school year and \$584.69 per month for the 2004-05 school year at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.36	\$1.16
Highly Capable (per formula student)	\$2.44	\$7.86
Transitional Bilingual Education (per eligible bilingual student)	\$6.41	\$20.66
Learning Assistance (per entitlement unit)	\$5.04	\$16.24

(3) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2004) \$209,708,000

General Fund--State Appropriation (FY 2005) \$212,893,000

**TOTAL APPROPRIATION \$422,601,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$782,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.20 per weighted mile in the 2003-04 school year and \$39.43 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2004) \$3,100,000

General Fund--State Appropriation (FY 2005) \$3,100,000

General Fund--Federal Appropriation \$272,069,000

**TOTAL APPROPRIATION \$278,269,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$433,457,000

General Fund--State Appropriation (FY 2005) \$425,257,000

General Fund--Federal Appropriation \$409,861,000

**TOTAL APPROPRIATION \$1,268,575,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and  
(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**  
SUPERINTENDENT OF PUBLIC INSTRUCTION--TRAFFIC SAFETY EDUCATION PROGRAMS  
Public Safety and Education Account Appropriation \$4,456,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall lapse if House Bill No. 1796 (driver's education funding) is not enacted by June 30, 2003.

(2) If House Bill No. 1796 is enacted by June 30, 2003, districts shall receive the following allocations: The maximum allocation to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be \$169.78 per eligible student in the 2003-04 school year and \$182.14 per eligible student in the 2004-05 school year.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**  
SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL SERVICE DISTRICTS  
General Fund--State Appropriation (FY 2004) \$3,537,000  
General Fund--State Appropriation (FY 2005) \$3,537,000  
TOTAL APPROPRIATION \$7,074,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**  
SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EFFORT ASSISTANCE  
General Fund--State Appropriation (FY 2004) \$157,075,000  
General Fund--State Appropriation (FY 2005) \$157,444,000  
TOTAL APPROPRIATION \$314,519,000

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

SUPERINTENDENT OF PUBLIC INSTRUCTION--INSTITUTIONAL EDUCATION PROGRAMS  
General Fund--State Appropriation (FY 2004) \$18,596,000  
General Fund--State Appropriation (FY 2005) \$19,092,000  
TOTAL APPROPRIATION \$37,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$279,000 of the general fund--state appropriation for fiscal year 2004 and \$286,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

SUPERINTENDENT OF PUBLIC INSTRUCTION--PROGRAMS FOR HIGHLY CAPABLE STUDENTS  
General Fund--State Appropriation (FY 2004) \$6,597,000  
General Fund--State Appropriation (FY 2005) \$6,614,000  
TOTAL APPROPRIATION \$13,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and \$334.89 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**

SUPERINTENDENT OF PUBLIC INSTRUCTION--ELEMENTARY AND SECONDARY SCHOOL--IMPROVEMENT--NO CHILD LEFT BEHIND  
General Fund--Federal Appropriation \$46,198,000

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS  
General Fund--State Appropriation (FY 2004) \$38,083,000  
General Fund--State Appropriation (FY 2005) \$35,979,000  
General Fund--Federal Appropriation \$128,402,000  
TOTAL APPROPRIATION \$202,464,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$16,542,000 of the general fund--state appropriation for fiscal year 2004, \$13,504,000 of the general fund--state appropriation for fiscal year 2005, and \$15,455,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning. Of the general fund--state amounts provided:

(a) \$419,000 in fiscal year 2004 and \$629,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test; developing alternative assessments; and a task force on best practices to provide additional assistance to students, as provided in Second Substitute House Bill No. 2124 (high school requirements). If Second Substitute House Bill No. 2124 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.

(b) \$450,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The



superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$480,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$480,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) \$1,564,000 of the general fund--state appropriation for fiscal year 2004 and \$2,497,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$70,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(14) \$266,000 of the general fund--state appropriation for fiscal year 2004 and \$266,000 of the general fund--state appropriation for fiscal year 2005 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(15) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(16) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(17) \$87,901,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(18) \$25,046,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2004) \$49,791,000

General Fund--State Appropriation (FY 2005) \$52,062,000

General Fund--Federal Appropriation (FY 2005) \$46,309,000

TOTAL APPROPRIATION \$148,162,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and \$725.11 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$65,384,000

General Fund--State Appropriation (FY 2005) \$64,049,000

General Fund--Federal Appropriation \$307,178,000

TOTAL APPROPRIATION \$436,611,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.14 per funded unit for the 2003-04 school year and \$433.01 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

SUPERINTENDENT OF PUBLIC INSTRUCTION--STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State Appropriation (FY 2004) \$203,123,000

Student Achievement Fund--State Appropriation (FY 2005) \$240,010,000

TOTAL APPROPRIATION \$443,133,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$211.67 per FTE student for the 2003-04 school year and \$300.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary

increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute one-twelfth of the school year allocation to districts each month.

**NEW SECTION. Sec. 518. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.**

**K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS**

State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 2.0 percent on September 1, 2004.

(c) Each institution of higher education shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 2.0 percent on September 1, 2004. Each institution may provide the same average increase to similar positions that are not state funded.

(d) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(e) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(e) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(e).

(f) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(g) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2003-04 and 2004-05 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor.

For the 2003-04 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2002-03 academic year.

For the 2004-05 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2003-04 academic year.

(4) For the 2003-05 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2003-05 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(7) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2003-05 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(8) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(9) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2003. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(10) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2004-05
	Annual
2003-04	Average
Annual	
Average	

	32,427	32,427
Main campus		
Bothell branch	1,235	1,235
Tacoma branch	1,484	1,484
Washington State University		
	17,348	17,364
Main campus		
Spokane branch	593	593
Tri-Cities branch	616	616
Vancouver branch	1,153	1,153
	7,776	7,776
Central Washington University		
Eastern Washington University	8,017	8,017
The Evergreen State College	3,837	3,837
Western Washington University	11,126	11,126
State Board for Community and Technical Colleges	125,872	125,872

(2) In addition to the annual full-time equivalent student enrollments in this section, funding is provided in sections 603, 606, 607, 608, and 609 for additional high-demand enrollment slots.

Colleges and universities shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields pursuant to this subsection to the higher education coordinating board and the forecast division of the office of financial management by November of each year for the prior academic year.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2004) \$512,023,000

General Fund--State Appropriation (FY 2005) \$535,914,000

**TOTAL APPROPRIATION \$1,047,937,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) Salary and benefit savings from faculty turnover may be used to provide faculty salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and

(l) South Puget Sound Community College.

(6) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 and \$28,761,000 of the general fund--state appropriation for fiscal year 2005 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2004 and \$568,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005.

(12) \$6,167,000 of the general fund--state appropriation for fiscal year 2004 and \$6,168,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means (a) health care; (b) viticulture and enology; and (c) expansion of worker retraining programs. The state board shall allocate resources among the three areas specified in this subsection and manage a competitive process for awarding these resources to the college districts.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**  
**UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2004) \$316,189,000  
General Fund--State Appropriation (FY 2005) \$332,058,000  
General Fund--Private/Local Appropriation \$300,000  
Death Investigations Account--State Appropriation \$261,000  
Accident Account--State Appropriation \$5,960,000  
Medical Aid Account--State Appropriation \$5,974,000  
TOTAL APPROPRIATION \$660,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

(8) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Substitute Senate Bill No. 6073 (shellfish license fee). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**  
**WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$186,312,000  
General Fund--State Appropriation (FY 2005) \$195,707,000  
TOTAL APPROPRIATION \$382,019,000



The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(2) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(3) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(4) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means veterinary medicine. Within the amounts provided in this subsection, the university shall expand the entering class of veterinary medicine students by 16 full-time equivalent resident students each academic year during the 2003-05 biennium.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

**EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$42,139,000

General Fund--State Appropriation (FY 2005) \$44,191,000

TOTAL APPROPRIATION \$86,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$587,000 of the general fund--state appropriation for fiscal year 2004 and \$587,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means health sciences and computing and engineering sciences.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

**CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$41,483,000

General Fund--State Appropriation (FY 2005) \$44,122,000

TOTAL APPROPRIATION \$85,605,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,652,000 of the general fund--state appropriation for fiscal year 2004 and \$1,652,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 306 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means special education and elementary math and science programs.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

**THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2004) \$23,603,000

General Fund--State Appropriation (FY 2005) \$24,937,000  
TOTAL APPROPRIATION \$48,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$272,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means reservation based tribal programs for undergraduate students.

(3) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by March 1, 2004.

This study incorporates all studies outlined in Substitute House Bill No. 1028 (at-risk youth study), Substitute House Bill No. 1824 (treatment for juveniles), and Second Substitute House Bill No. 1841 (family services/intervention).

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Engrossed Second Substitute Senate Bill No. 5903 (juvenile offender sentencing). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Engrossed Substitute Senate Bill No. 5990 (changing times and supervision standards for release of offenders). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**  
WESTERN WASHINGTON UNIVERSITY  
General Fund--State Appropriation (FY 2004) \$55,520,000

General Fund--State Appropriation (FY 2005) \$58,705,000  
TOTAL APPROPRIATION \$114,225,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(3) \$642,000 of the general fund--state appropriation for fiscal year 2004 and \$643,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields. High-demand fields means special education, computer science, and information technology.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
POLICY COORDINATION AND ADMINISTRATION**  
HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION  
General Fund--State Appropriation (FY 2004) \$2,195,000  
General Fund--State Appropriation (FY 2005) \$2,194,000  
General Fund--Federal Appropriation \$642,000  
TOTAL APPROPRIATION \$5,031,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
FINANCIAL AID AND GRANT PROGRAMS**  
HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS  
General Fund--State Appropriation (FY 2004) \$144,080,000  
General Fund--State Appropriation (FY 2005) \$151,705,000  
General Fund--Federal Appropriation \$7,534,000  
TOTAL APPROPRIATION \$303,319,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and \$1,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$110,499,000 of the general fund--state appropriation for fiscal year 2004 and \$117,748,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program.

(a) After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(b) For the 2003-05 biennium, state need grant awards for students who attend independent baccalaureate institutions shall not exceed average tuition at the public regional universities as defined by RCW 28B.35.010.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the educational opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

(8) \$1,900,000 of the general fund--state appropriation for fiscal year 2004 and \$2,117,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$786,000 of the general fund--state appropriation for fiscal year 2004 and \$830,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and \$6,050,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program.

(12) \$2,649,000 of the general fund--state appropriation for fiscal year 2004 and \$2,649,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

**WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2004) \$1,666,000

General Fund--State Appropriation (FY 2005) \$1,624,000

General Fund--Federal Appropriation \$53,796,000

TOTAL APPROPRIATION \$57,086,000

The appropriations in this section are subject to the following conditions and limitations: \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$485,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2004 as to the progress and future steps for INTEC as this new public-private partnership evolves.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

**SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2004) \$1,405,000  
General Fund--State Appropriation (FY 2005) \$1,423,000  
TOTAL APPROPRIATION \$2,828,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**  
WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,250,000  
General Fund--State Appropriation (FY 2005) \$2,256,000  
General Fund--Federal Appropriation \$1,026,000  
TOTAL APPROPRIATION \$5,532,000

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2004) \$2,399,000  
General Fund--State Appropriation (FY 2005) \$2,466,000  
TOTAL APPROPRIATION \$4,865,000

**NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2004) \$1,434,000  
General Fund--State Appropriation (FY 2005) \$1,465,000  
TOTAL APPROPRIATION \$2,899,000

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**  
STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$4,655,000  
General Fund--State Appropriation (FY 2005) \$4,700,000  
General Fund--Private/Local Appropriation \$1,335,000  
TOTAL APPROPRIATION \$10,690,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**  
STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2004) \$7,629,000  
General Fund--State Appropriation (FY 2005) \$7,630,000  
General Fund--Private/Local Appropriation \$232,000  
TOTAL APPROPRIATION \$15,491,000

**PART VII**  
**SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**  
STATE TREASURER--BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$570,186,000  
General Fund--State Appropriation (FY 2005) \$626,814,000  
Debt-Limit General Fund Bond Retirement Account--State Appropriation \$10,000,000  
State Building Construction Account--State Appropriation \$7,014,000  
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,587,000  
State Taxable Building Construction Account--State Appropriation \$322,000  
TOTAL APPROPRIATION \$1,216,923,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**  
STATE TREASURER--BOND RETIREMENT AND INTEREST

State Convention and Trade Center Account--State Appropriation \$29,014,000

Accident Account--State Appropriation \$5,113,000  
Medical Aid Account--State Appropriation \$5,113,000  
TOTAL APPROPRIATION \$39,240,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
General Fund--State Appropriation (FY 2004) \$26,394,000  
General Fund--State Appropriation (FY 2005) \$24,805,000  
Capitol Historic District Construction Account--State Appropriation \$299,000  
Higher Education Construction Account--State Appropriation \$238,000  
State Vehicle Parking Account--State Appropriation \$102,000  
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$128,375,000  
TOTAL APPROPRIATION \$180,213,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

STATE TREASURER--BOND RETIREMENT AND INTEREST  
General Fund--State Appropriation (FY 2004) \$526,000  
General Fund--State Appropriation (FY 2005) \$526,000  
Higher Education Construction Account--State Appropriation \$35,000  
State Building Construction Account--State Appropriation \$2,032,000  
State Vehicle Parking Account--State Appropriation \$17,000  
Capitol Historic District Construction Account--State Appropriation \$45,000  
State Taxable Building Construction Account--State Appropriation \$50,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL.**

OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND  
General Fund--State Appropriation (FY 2004) \$850,000  
General Fund--State Appropriation (FY 2005) \$850,000  
TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVOLVING FUND ADJUSTMENTS**

OFFICE OF FINANCIAL MANAGEMENT--REVOLVING FUND ADJUSTMENTS  
General Fund--State Appropriation (FY 2004) \$3,350,000  
General Fund--State Appropriation (FY 2005) \$3,350,000  
Revolving Fund Revolving Account Appropriation \$2,792,000  
TOTAL APPROPRIATION \$9,492,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency revolving fund assessments for internal services to reflect policy changes made to the governor's proposed omnibus appropriations act.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the revolving fund revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
EXTRAORDINARY CRIMINAL JUSTICE COSTS**  
OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS  
Public Safety and Education--State Appropriation \$766,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the entire appropriation to King county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 709. BELATED CLAIMS.**  
BELATED CLAIMS The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL  
RESOURCES BOARD'S SALARY SURVEY FOR STATE AND HIGHER EDUCATION EMPLOYEES**  
OFFICE OF FINANCIAL MANAGEMENT--SALARY SURVEY--STATE AND HIGHER EDUCATION  
EMPLOYEES  
General Fund--State Appropriation (FY 2005) \$3,000,000  
Salary and Insurance Increase Revolving Account Appropriation \$2,460,000  
TOTAL APPROPRIATION \$5,460,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Funding is provided to increase the current salary range of those state and higher education classified and exempt classes under the Washington personnel resources board whose current base salary is the greatest number of ranges from their approved survey applied salary range as determined under RCW 41.06.160.

(2) Implementation of the salary adjustments for the various classifications is effective September 1, 2004.

**NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE  
BENEFITS**  
GOVERNOR--COMPENSATION--INSURANCE BENEFITS  
General Fund--State Appropriation (FY 2004) \$12,846,000  
General Fund--State Appropriation (FY 2005) \$41,009,000  
General Fund--Federal Appropriation \$10,506,000  
General Fund--Private/Local Appropriation \$1,330,000  
Salary and Insurance Increase Revolving Account Appropriation \$51,315,000  
TOTAL APPROPRIATION \$117,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$520.29 per eligible employee for fiscal year 2004, and \$606.26 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$109.22. Starting January 1, 2005, the subsidy shall be \$132.20 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$44.19 per month beginning September 1, 2003, and \$53.54 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$44.19 each month beginning September 1, 2003, and \$53.54 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2003-2005 transportation appropriations act.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) \$21,171,000  
General Fund--State Appropriation (FY 2005) \$20,829,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000  
General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000  
General Fund--State Appropriation (FY 2005) \$500,000  
TOTAL APPROPRIATION \$55,000,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2004) \$674,000  
General Fund--State Appropriation (FY 2005) \$683,000  
Public Safety and Education Account--State Appropriation \$199,000  
Judicial Information Systems Account--State Appropriation \$57,000  
Department of Retirement Systems Expense Account--State Appropriation \$14,000  
TOTAL APPROPRIATION \$1,627,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to fund pension contributions to the public employees' retirement system and teachers' retirement system for judicial and legislative employees, effective July 1, 2003.



**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION SAVINGS.**

**OFFICE OF FINANCIAL MANAGEMENT--PENSION SAVINGS**

General Fund--State Appropriation (FY 2004) (\$10,913,000)  
General Fund--State Appropriation (FY 2005) (\$11,008,000)  
General Fund--Federal Appropriation (\$4,374,000)  
General Fund--Private/Local Appropriation (\$502,000)  
Retirement Contribution Increase Revolving Account Appropriation (\$10,877,000)  
TOTAL APPROPRIATION (\$37,674,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect savings resulting from the adoption of the new smoothing method for the public employees', teachers', and school employees' retirement systems and suspending payment on the unfunded liability in the public employees' and teachers' retirement system plans 1 as provided in Senate Bill No. 6029 (funding the public employees' retirement system, the school employees retirement system, and the school employees retirement system). If the bill is not enacted by June 30, 2003, the amounts provided in this section shall lapse.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the salary and insurance increase revolving account.

**NEW SECTION. Sec. 715. SALARY COST OF LIVING ADJUSTMENT**

**SALARY COST OF LIVING ADJUSTMENT**  
General Fund--State Appropriation (FY 2005) \$22,826,000  
General Fund--Federal Appropriation \$4,539,000  
General Fund--Private/Local Appropriation \$513,000  
Salary and Insurance Increase Revolving Account Appropriation \$15,995,000  
TOTAL APPROPRIATION \$43,873,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided sufficient for a 2.0 percent salary increase effective September 1, 2004, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 2.0 percent salary increase effective September 1, 2004, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 2.0 percent salary increase effective September 1, 2004, for ferry workers consistent with the 2003-05 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (3) of this section.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

**OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**  
General Fund--State Appropriation (FY 2004) \$10,468,000  
General Fund--State Appropriation (FY 2005) \$10,468,000  
TOTAL APPROPRIATION \$20,936,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 717. INCENTIVE SAVINGS--FY 2004.**

INCENTIVE SAVINGS--FY 2004 The sum of one hundred million dollars or so much thereof as may be available on June 30, 2004, from the total amount of unspent fiscal year 2004 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 719 and 720 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 2005.**

INCENTIVE SAVINGS--FY 2005 The sum of one hundred million dollars or so much thereof as may be available on June 30, 2005, from the total amount of unspent fiscal year 2005 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 719 and 720 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 719. AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS.**

AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT AND PERSONAL SERVICE CONTRACTS. The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$20,000,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of expenditures identified in LEAP document 2003-36, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 25, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 720. AGENCY EXPENDITURES FOR TORT LIABILITY.**

AGENCY EXPENDITURES FOR TORT LIABILITY. The office of financial management shall reduce allotments for all agencies by \$18,000,000 from 2003-05 biennial general fund appropriations in this act to reflect the reduction in contributions to the liability account. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation \$24,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<b>Health District</b>	<b>FY 2004</b>
Adams County Health District	\$30,951
Asotin County Health District	\$67,714
Benton-Franklin Health District	\$1,165,612

Chelan-Douglas Health District	\$184,761
Clallam County Health and Human Services Department	\$141,752
Southwest Washington Health District	\$1,084,473
Columbia County Health District	\$40,529
Cowlitz County Health Department	\$278,560
Garfield County Health District	\$15,028
Grant County Health District	\$118,595
Grays Harbor Health Department	\$183,870
Island County Health Department	\$91,892
Jefferson County Health and Human Services	\$85,782
Seattle-King County Department of Public Health	\$9,531,747
Bremerton-Kitsap County Health District	\$554,669
Kittitas County Health Department	\$92,499
Klickitat County Health Department	\$62,402
Lewis County Health Department	\$105,801
Lincoln County Health Department	\$29,705
Mason County Department of Health Services	\$95,988
Okanogan County Health District	\$63,458
Pacific County Health Department	\$77,427
Tacoma-Pierce County Health Department	\$2,820,590
San Juan County Health and Community Services	\$37,531
Skagit County Health Department	\$223,927
Snohomish Health District	\$2,258,207
Spokane County Health District	\$2,101,429
Northeast Tri-County Health District	\$110,454

Thurston County Health Department	\$600,419
Wahkiakum County Health Department	\$13,773
Walla Walla County-City Health Department	\$172,062
Whatcom County Health Department	\$855,863
Whitman County Health Department	\$78,733
Yakima Health District	\$623,797
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>

**NEW SECTION. Sec. 722. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE

General Fund--State Appropriation (FY 2004) \$1,500,000  
General Fund--State Appropriation (FY 2005) \$1,500,000  
TOTAL APPROPRIATION \$3,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	<b>2004</b>	<b>2005</b>
Garfield	\$290,000	\$290,000
Columbia	\$200,500	\$200,500
Wahkiakum	\$129,500	\$129,500
Ferry	\$99,500	\$99,500
Okanogan	\$140,000	\$140,000
Asotin	\$108,500	\$108,500
Stevens	\$209,000	\$209,000
Douglas	\$132,000	\$132,000
Lincoln	\$75,500	\$75,500
Pend Oreille	\$71,500	\$71,500
Skamania	\$44,000	\$44,000

<b>TOTAL</b>	\$1,500,000	\$1,500,000
--------------	-------------	-------------

**NEW SECTION. Sec. 723. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE  
General Fund--State Appropriation (FY 2004) \$3,500,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

	<b><u>2004</u></b>
Airway Heights	\$5,000
Albion	\$24,000
Almira	\$1,000
Asotin	\$10,000
Benton City	\$15,000
Black Diamond	\$18,000
Bridgeport	\$68,000
Brier	\$129,000
Bucoda	\$15,000
Carbonado	\$15,000
Cashmere	\$13,000
Cheney	\$19,000
Chewelah	\$1,000
Colfax	\$1,000
College Place	\$138,000
Colton	\$5,000
Conconully	\$4,000
Concrete	\$1,000

Connell	\$27,000
Coulee Dam	\$6,000
Covington	\$117,000
Creston	\$2,000
Cusick	\$750
Darrington	\$6,000
Davenport	\$4,000
Dayton	\$1,000
Des Moines	\$161,000
Edgewood	\$272,000
Electric City	\$27,000
Elma	\$2,000
Elmer City	\$11,000
Endicott	\$10,000
Entiat	\$10,000
Everson	\$5,000
Fairfield	\$1,000
Farmington	\$3,000
Fircrest	\$50,000
Forks	\$5,000
Garfield	\$12,000
George	\$2,000
Gold Bar	\$29,000
Grandview	\$15,000
Granger	\$28,000

Hamilton	\$4,000
Harrah	\$16,000
Harrington	\$1,000
Hartline	\$3,000
Hatton	\$4,000
Hoquiam	\$19,000
Index	\$500
Ione	\$2,000
Kahlotus	\$6,000
Kenmore	\$132,000
Kettle Falls	\$4,000
Kittitas	\$17,000
Krupp	\$1,000
Lacrosse	\$3,000
Lake Forest Park	\$136,000
Lake Stevens	\$5,000
Lakewood	\$350,000
Lamont	\$2,000
Latah	\$3,000
Lyman	\$3,000
Mabton	\$51,000
Malden	\$8,000
Mansfield	\$8,000
Maple Valley	\$17,000
Marcus	\$3,000

Mattawa	\$17,000
McCleary	\$15,000
Medical Lake	\$10,000
Mesa	\$2,000
Metaline	\$2,000
Metaline Falls	\$1,000
Mossyrock	\$1,000
Mountlake Terrace	\$32,000
Moxee	\$2,000
Napavine	\$19,000
Nespelem	\$6,000
Newcastle	\$2,000
Nooksack	\$13,000
Normandy Park	\$82,000
North Bonneville	\$2,000
Northport	\$7,000
Oakesdale	\$3,000
Oakville	\$7,000
Orting	\$12,000
Palouse	\$7,000
Pateros	\$1,000
Pe Ell	\$20,000
Pomeroy	\$3,000
Prescott	\$1,000
Pullman	\$21,000



Rainier	\$27,000
Raymond	\$750
Reardan	\$8,000
Republic	\$1,000
Riverside	\$7,000
Rock Island	\$6,000
Rockford	\$2,000
Rosalia	\$6,000
Roslyn	\$11,000
Royal City	\$12,000
Ruston	\$8,000
Sammamish	\$320,000
Shoreline	\$65,000
Soap Lake	\$19,000
South Bend	\$5,000
South Cle Elum	\$11,000
South Prairie	\$2,000
Sprague	\$1,000
Springdale	\$1,000
Starbuck	\$3,000
Steilacoom	\$19,000
Tekoa	\$5,000
Tenino	\$7,000
Tieton	\$12,000
Toppenish	\$63,000

Uniontown	\$3,000
University Place	\$306,000
Vader	\$12,000
Waitsburg	\$15,000
Wapato	\$35,000
Warden	\$10,000
Washtucna	\$7,000
Waterville	\$13,000
Waverly	\$3,000
West Richland	\$84,000
White Salmon	\$1,000
Wilbur	\$1,000
Wilkeson	\$1,000
Wilson Creek	\$3,000
Yacolt	\$4,000
Zillah	\$5,000
<b>TOTAL</b>	<b>\$3,500,000</b>

**NEW SECTION. Sec. 724. FOR SUNDRY CLAIMS. SUNDRY CLAIMS** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

Kelly C. Schwartz, claim number SCJ 03-10 \$18,250

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

(a) Circle S Landscape Supplies, claim number SCG 03-05 \$49,380

(b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175

(c) Paul Gibbons, claim number SCG 03-09 \$12,414

(d) Bud Hamilton, claim number SCG 03-10 \$15,591

**NEW SECTION. Sec. 725. FOR THE CIVIL LEGAL SERVICES ACCOUNT**  
**CIVIL LEGAL SERVICES ACCOUNT**

General Fund--State Appropriation (FY 2004) \$2,326,000

General Fund--State Appropriation (FY 2005) \$2,326,000

Public Safety and Education Account--State Appropriation \$4,609,000

TOTAL APPROPRIATION \$9,261,000

The appropriations in this section are subject to the following conditions and limitations: The entire appropriation is provided solely for deposit in the civil legal services account.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

**STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions \$8,920,350  
General Fund Appropriation for public utility district excise tax distributions \$39,273,684  
General Fund Appropriation for prosecuting attorney distributions \$3,441,197  
General Fund Appropriation for boating safety and education distributions \$4,074,300  
General Fund Appropriation for other tax distributions \$34,750  
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$2,123,723  
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$187,068  
Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$51,192,170  
County Criminal Justice Assistance Appropriation \$52,175,755  
Municipal Criminal Justice Assistance Appropriation \$21,086,550  
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$32,624,831  
Liquor Revolving Account Appropriation for liquor profits distribution \$57,511,693  
TOTAL APPROPRIATION \$272,646,071

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

**STATE TREASURER--COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation \$1,896,502

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

**STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation \$1,264,335

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

**STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution \$1,293,828  
General Fund Appropriation for federal flood control funds distribution \$25,050  
Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$83,492,373  
TOTAL APPROPRIATION \$84,811,251

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**  
**STATE TREASURER--TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account: For transfer to the state general fund \$10,000,000  
County Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$74,000  
Municipal Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$374,000  
Asbestos Account: For transfer to the state general fund \$200,000  
Electrical License Account: For transfer to the state general fund \$7,000,000  
Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000  
Pressure Systems Safety Account: For transfer to the state general fund \$1,000,000  
Health Services Account: For transfer to the water quality account \$8,182,000  
State Treasurer's Service Account: For transfer to the general fund \$10,000,000  
Public Works Assistance Account: For transfer to the drinking water assistance account \$8,387,000  
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account. The transfer from the tobacco settlement account reflects revenues to be collected under Substitute House Bill No. 2038 (tobacco escrow refund provisions) \$185,000,000  
Health Service Account: For transfer to the violence reduction and drug enforcement account \$7,789,000  
Nisqually Earthquake Account: For transfer to the disaster response account \$6,200,000  
Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000  
Public Service Revolving Account: For transfer to the state general fund \$1,000,000  
Gambling Revolving Account: For transfer to the state general fund \$1,500,000  
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000  
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000  
Water Quality Account: For transfer to the water pollution control account \$10,500,000  
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005 \$8,427,000  
Insurance Commissioner's Regulatory Account: For transfer to the state general fund \$1,000,000  
Health Services Account: For transfer to the tobacco prevention and control account \$24,216,000  
From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund. This transfer is intended to liquidate the emergency reserve fund \$57,046,000  
Department of Retirement Systems Expense Account: For transfer to the state general fund \$1,500,000  
Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000  
General Fund State: For transfer to the student achievement fund for fiscal year 2005 \$42,111,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system \$21,901

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.**

**EXPENDITURE AUTHORIZATIONS** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2001-03 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.**

**INFORMATION SYSTEMS PROJECTS** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.**

**VIDEO TELECOMMUNICATIONS** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. PROGRAM COST SHIFTS**

**PROGRAM COST SHIFTS.** Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

**NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS.**

**EMERGENCY FUND ALLOCATIONS** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS.**

**STATUTORY APPROPRIATIONS** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 907. BOND EXPENSES.**

**BOND EXPENSES** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES.**

**VOLUNTARY SEPARATION INCENTIVES** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2004.

**NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES.**

**VOLUNTARY RETIREMENT INCENTIVES** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program

is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2005, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2003-05 biennium.

**Sec. 910.** RCW 9.46.100 and 2002 c 371 s 901 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund ~~((and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~.

**Sec. 911.** RCW 19.28.351 and 1988 c 81 s 11 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and ~~((by him))~~ paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, ~~((said))~~ the fund, and of all disbursements therefrom.

During the 2003-2005 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 912.** RCW 28A.305.210 and 1975 1st ex.s. c 275 s 51 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the 2003-05 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 913.** RCW 28A.500.030 and 2002 c 317 s 4 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to June 30, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.883.

**Sec. 914.** RCW 38.52.106 and 2002 c 371 s 904 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the ~~((2001-))~~ 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs~~((, and costs associated with national security preparedness activities))~~.

**Sec. 915.** RCW 43.03.050 and 1990 c 30 s 1 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

**Sec. 916.** RCW 43.08.190 and 1991 sp.s. c 13 s 83 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040~~((2)(b))~~ or 43.84.092~~((2)(b))~~ (4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 917.** RCW 43.10.180 and 1979 c 151 s 95 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2003-05 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.



**Sec. 918.** RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289 s 4 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2003))~~ 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

**Sec. 919.** RCW 43.43.944 and 1999 c 117 s 2 are each amended to read as follows:

- (1) The fire service training account is hereby established in the state treasury. The fund shall consist of:
  - (a) All fees received by the Washington state patrol for fire service training;
  - (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
  - (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the 2003-2005 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

**Sec. 920.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.

**Sec. 921.** RCW 48.02.190 and 2002 c 371 s 913 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the ((2001-2003)) 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

**Sec. 922.** RCW 49.26.130 and 1989 c 154 s 9 are each amended to read as follows:

(1) The department shall administer this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.05 and 49.17 RCW, rules necessary to carry out this chapter.

(3) The department shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred

by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director of the department or the director's designee.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the asbestos account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 923.** RCW 51.44.170 and 2002 c 371 s 916 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the ~~((reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

**Sec. 924.** RCW 66.16.080 and 1988 c 101 s 1 are each amended to read as follows:

No sale or delivery of liquor shall be made on or from the premises of any state liquor store, nor shall any store be open for the sale of liquor, on Sunday, unless the board determines that unique circumstances exist which necessitate Sunday liquor sales by vendors appointed under RCW 66.08.050(2) of products of their own manufacture, not to exceed one case of liquor per customer. However, during the 2003-05 fiscal biennium, liquor may be sold from state liquor stores on Sundays and state liquor stores may be open for the sale of liquor on Sundays.

**Sec. 925.** RCW 67.40.040 and 1995 c 386 s 13 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 926.** RCW 69.50.520 and 2002 c 371 s 920 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((2001-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the replacement of the department of corrections' offender based tracking system))~~ funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, ((civil indigent legal representation, and for)) multijurisdictional narcotics task forces~~((-- After July 1, 2003, at least seven and one half percent of expenditures from the account shall be used for providing))~~, and grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 927.** RCW 70.79.350 and 1979 c 151 s 171 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and ~~((by him, as such custodian,))~~ the treasurer shall place ((said)) all sums in a special fund hereby created and designated as the "pressure systems safety fund". ((Said)) Funds ((by him)) shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of ((said)) the fund, shall keep an accurate record of any payments into ((said)) the fund, and of all disbursements therefrom. ((Said)) The fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of ((his)) the office. The fund shall be charged with its pro rata share of the cost of administering ((said)) the fund which is to be determined by the director of financial management and by the director of the department of labor and industries.

During the 2003-2005 fiscal biennium, the legislature may transfer from the pressure systems safety fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 928.** RCW 70.94.483 and 1991 sp.s. c 13 ss 64, 65 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation. However, during the 2003-05 fiscal biennium, the legislature may transfer from the wood stove education and enforcement account to the air pollution control account such amounts as specified in the omnibus operating budget bill.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

**Sec. 929.** RCW 70.105D.070 and 2001 c 27 s 2 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

- (iv) State matching funds required under the federal cleanup law;
  - (v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
  - (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
  - (vii) Hazardous materials emergency response training;
  - (viii) Water and environmental health protection and monitoring programs;
  - (ix) Programs authorized under chapter 70.146 RCW;
  - (x) A public participation program, including regional citizen advisory committees;
  - (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
  - (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.
- (3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.
- (a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2003-05 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus operating budget bill for methamphetamine lab cleanup.
- (b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.
- (4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.
- (5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.
- (6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.
- (7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 930.** RCW 70.146.030 and 2002 c 371 s 921 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other

funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2004))~~ 2003, to June 30, ~~((2003))~~ 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 931.** RCW 70.146.080 and 1994 sp.s. c 6 s 902 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the 2003-05 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

**Sec. 932.** RCW 72.11.040 and 2001 2nd sp.s. c 7 s 919 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2004-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 933.** RCW 76.12.170 and 1988 c 128 s 36 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 934.** RCW 80.01.080 and 2002 c 371 s 924 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the ~~((appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the fund.

**Sec. 935.** RCW 82.14.200 and 1998 c 321 s 8 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the statewide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and

(b) Fifty percent to the distressed county public facilities construction loan account under RCW 43.160.220, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds shall be deposited into the public facilities construction loan revolving account.

(10) During the 2003-2005 fiscal biennium, the legislature may transfer from the county sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 936.** RCW 82.14.210 and 1996 c 64 s 1 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the statewide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by forty-five fifty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the statewide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.



(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the statewide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(8) During the 2003-2005 fiscal biennium, the legislature may transfer from the municipal sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 937.** RCW 86.26.007 and 1997 c 149 s 914 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter (~~or, during the 1997-99 fiscal biennium, for transfer to the disaster response account~~). During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 938.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 939.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Sommers spoke in favor of the adoption of the amendment (521) to the committee amendment.

Representatives Sehlin and Anderson spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fromhold, Kagi, Clibborn, McIntire, Kenney and Kessler spoke in favor of passage of the bill.

Representative Delvin, Orcutt, DeBolt, Schoesler, Pflug, Sump, McMorris, Ahern, Cairnes, Armstrong, Benson, McMahan, Shabro, Bush, Boldt, Schual-Berke, Chandler, Holmquist, Clements and Sehlin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5404 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5404, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Sommers thanked the staff members of the Committee on Appropriations for their tireless efforts on the budget and asked the Chamber to acknowledge their accomplishment.

### **MESSAGES FROM THE SENATE**

Mr. Speaker:

April 26, 2003

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1335 and passed the bill without said amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

Mr. Speaker:

April 26, 2003

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5310 and passed the bill as amended by the House, and the same is herewith transmitted.

Milt H. Doumit, Secretary

Mr. Speaker:

April 26, 2003

The President has signed:

SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5520,  
SUBSTITUTE SENATE BILL NO. 5748,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,  
    SECOND SUBSTITUTE HOUSE BILL NO. 1003,  
    SUBSTITUTE HOUSE BILL NO. 1057,  
    SUBSTITUTE HOUSE BILL NO. 1081,  
    HOUSE BILL NO. 1108,  
    SUBSTITUTE HOUSE BILL NO. 1175,  
    SUBSTITUTE HOUSE BILL NO. 1211,  
    SUBSTITUTE HOUSE BILL NO. 1219,  
    SECOND SUBSTITUTE HOUSE BILL NO. 1240,  
    ENGROSSED HOUSE BILL NO. 1252,  
    HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,  
    HOUSE BILL NO. 1351,  
    HOUSE BILL NO. 1361,  
    SUBSTITUTE HOUSE BILL NO. 1380,  
    ENGROSSED HOUSE BILL NO. 1395,  
    SUBSTITUTE HOUSE BILL NO. 1442,  
    HOUSE BILL NO. 1444,  
    SUBSTITUTE HOUSE BILL NO. 1455,  
    SUBSTITUTE HOUSE BILL NO. 1470,  
    HOUSE BILL NO. 1473,  
    SUBSTITUTE HOUSE BILL NO. 1495,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,  
    HOUSE BILL NO. 1576,  
    SUBSTITUTE HOUSE BILL NO. 1634,  
    HOUSE BILL NO. 1654,  
    SUBSTITUTE HOUSE BILL NO. 1694,  
    SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
    HOUSE BILL NO. 1727,  
    SUBSTITUTE HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,  
    SUBSTITUTE HOUSE BILL NO. 1755,  
    SECOND SUBSTITUTE HOUSE BILL NO. 1784,  
    SUBSTITUTE HOUSE BILL NO. 1826,  
    HOUSE BILL NO. 1858,  
    HOUSE BILL NO. 1954,  
    HOUSE BILL NO. 1972,  
    HOUSE BILL NO. 1980,  
    HOUSE BILL NO. 2001,  
    ENGROSSED HOUSE BILL NO. 2067,  
    HOUSE BILL NO. 2073,  
    SUBSTITUTE HOUSE BILL NO. 2094,

SUBSTITUTE HOUSE BILL NO. 2118,  
SUBSTITUTE HOUSE BILL NO. 2132,  
ENGROSSED HOUSE BILL NO. 2146,  
HOUSE BILL NO. 2186,  
SUBSTITUTE HOUSE BILL NO. 2196,  
HOUSE JOINT MEMORIAL NO. 4012,  
HOUSE JOINT RESOLUTION NO. 4206,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6012,  
ENGROSSED SENATE BILL NO. 5389,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6062, and the same are herewith transmitted.

Milt H. Doumit, Secretary

## **SECOND READING**

**HOUSE BILL NO. 2267, By Representatives Gombosky, Sommers, Moeller, Cody, Conway, Fromhold and McIntire**

**Providing revenue for the student achievement fund and the health services account.**

The bill was read the second time. There being no objection, Substitute House Bill No. 2267 was substituted for House Bill No. 2267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2267 was read the second time.

Representative Benson moved the adoption of amendment (534):

Beginning on page 2, line 33, strike all of section 3.

Beginning on page 2, line 15, strike all of section 19.

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Benson, Orcutt, Cairnes, Roach, Pflug and McMahan spoke in favor of the adoption of the amendment.

Representatives Cooper and Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (534) to Substitute House Bill No. 2267.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (534) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Representative Benson moved the adoption of amendment (532):

Beginning on page 3, line 13, strike all of sections 4 through 9.

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Benson, Chandler, Benson (again), Alexander, Anderson, Carrell and Schoesler spoke in favor of the adoption of the amendment.

Representatives McIntire and Morris spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (532) to Substitute House Bill No. 2267.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (532) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Wallace and Woods - 48.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Representative Alexander moved the adoption of amendment (535):

Beginning on page 9, line 4, strike all of sections 10 through 13.

Beginning on page 23, line 19, strike all of section 20.

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Alexander, Pearson, Sump, Orcutt, DeBolt, Clements, Ahern, Pflug, Benson, Nixon, Roach, Pflug (again), Mielke, and McMahan spoke in favor of the adoption of the amendment.

Representatives Morris, Morrell, Ruderman and Conway spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (535) to Substitute House Bill No. 2267.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (535) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Berkey, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 53.

Representative Armstrong moved the adoption of amendment (533):

Beginning on page 18, line 7, strike all of section 14

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Armstrong, Schoesler, Benson, Carrell and Benson (again) spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (533) to Substitute House Bill No. 2267.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (533) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy,

McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Representative Roach moved the adoption of amendment (536):

Beginning on page 20, line 17, strike all of section 15.

Renumber remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Roach, Sehlin, Orcutt, Schindler, Ahern, Anderson, Newhouse and Benson spoke in favor of the adoption of the amendment.

Representatives McIntire and Kessler spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (536) to Substitute House Bill No. 2267.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (536) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Hunt, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 48.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Representative Orcutt moved the adoption of amendment (531):

On page 21, line 27, after "documents." strike everything through "~~(S))~~" on line 32 and insert: "Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection. The department has the burden of proving that any penalty applies under this section.

~~((S))~~"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (531) to Substitute House Bill No. 2267.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (531) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Wallace and Woods - 47.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Representative Anderson moved the adoption of amendment (530):

On page 22, after line 17, insert the following:

**"Sec. 16.** RCW 82.04.4452 and 2000 c 103 s 7 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the rate provided in RCW 82.04.290(2) for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(9) For the purpose of this section:



(a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(b) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

(c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

~~((10) This section expires December 31, 2004.)~~

(1) Except as provided in subsection (2) of this section, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapter 82.60 or 82.61 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

~~((3) This section shall expire July 1, 2004.)~~

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

### **POINT OF ORDER**

Representative Gombosky requested a scope and object ruling on amendment (530) to Substitute House Bill No. 2267.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House precedent directs the Speaker to first look to the title of a bill in determining whether a proposed amendment changes the bill's scope and object.

The title of Substitute House Bill No. 2267 is an act relating to "revenue for dedicated accounts." Amendment (530) concerns revenue for the general fund. The amendment is beyond the scope and object of the bill.

Representative Gombosky, your point of order is well taken."

Representative McMahan moved the adoption of amendment (539):

Beginning on page 23, on line 28, after "**Sec. 22.**" strike everything through "effect" on page 24, line 2, and insert: "This act takes effect January 1, 2004, except sections 4 through 9 of this act take effect July 1, 2004. **NEW SECTION. Sec. 23.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives McMahan and Talcott spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (539) to Substitute House Bill No. 2267.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (539) to Substitute House Bill No. 2267, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Roach, Ruderman, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Wallace and Woods - 47.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky, Dickerson, Kessler, McIntire, Hunt and Romero spoke in favor of passage of the bill.

Representatives Pflug, Anderson, Orcutt, Carrell, Sehlin, Boldt, Buck, Tom, Benson, DeBolt, Ericksen, Ahern, Homquist, Condotta, Schoesler and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2267.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2267 and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Wallace and Woods - 48.

SUBSTITUTE HOUSE BILL NO. 2267, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

House Rule 13(c) was suspended.

### **MESSAGES FROM THE SENATE**

April 26, 2003

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402 and adopted the resolution as amended by the House, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5073,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5310,  
ENGROSSED SENATE BILL NO. 5389,  
SENATE BILL NO. 5437,  
SUBSTITUTE SENATE BILL NO. 5545,  
ENGROSSED SENATE BILL NO. 5676,  
SENATE BILL NO. 5783,  
ENGROSSED SENATE BILL NO. 5991,  
SUBSTITUTE SENATE BILL NO. 6012,  
SUBSTITUTE SENATE BILL NO. 6054,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 26, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1083,  
SUBSTITUTE HOUSE BILL NO. 1153,  
HOUSE BILL NO. 1170,  
HOUSE BILL NO. 1179,  
HOUSE BILL NO. 1226,  
SUBSTITUTE HOUSE BILL NO. 1275,  
SUBSTITUTE HOUSE BILL NO. 1278,  
SUBSTITUTE HOUSE BILL NO. 1291,  
HOUSE BILL NO. 1350,  
HOUSE BILL NO. 1356,  
SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1655,  
SUBSTITUTE HOUSE BILL NO. 1721,  
SUBSTITUTE HOUSE BILL NO. 1837,  
SUBSTITUTE HOUSE BILL NO. 1849,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,  
SUBSTITUTE HOUSE BILL NO. 2038,  
SUBSTITUTE HOUSE BILL NO. 2040,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"2003-05 BIENNIUM**

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2005.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

- (a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.
- (b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.
- (c) "FTE" means full-time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose.
- (f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.
- (g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES--OPERATING**

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION  
UTILITIES AND TRANSPORTATION COMMISSION  
Grade Crossing Protective Account--State Appropriation \$293,000

NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION  
MARINE EMPLOYEES COMMISSION  
Puget Sound Ferry Operations Account--State Appropriation \$352,000

NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION  
STATE PARKS AND RECREATION COMMISSION  
Motor Vehicle Account--State Appropriation \$822,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE  
DEPARTMENT OF AGRICULTURE  
Motor Vehicle Account--State Appropriation \$315,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--  
CAPITAL PROJECTS  
WASHINGTON STATE PARKS AND RECREATION CAPITAL PROJECTS  
Motor Vehicle Account--State Appropriation \$150,000**

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the Beacon Rock state park entrance road project. Any of the appropriations not expended by June 30, 2005, shall revert to the motor vehicle account--state.

**TRANSPORTATION AGENCIES--OPERATING**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION  
WASHINGTON TRAFFIC SAFETY COMMISSION  
Highway Safety Account--State Appropriation \$2,017,000  
Highway Safety Account--Federal Appropriation \$15,744,000  
School Zone Safety Account--State Appropriation \$3,059,000  
TOTAL APPROPRIATION \$20,820,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(a) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(b) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) The traffic safety commission shall use the following guidelines to administer the program:

(i) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(ii) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(iii) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(iv) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(v) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(vi) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vii) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(viii) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.46.120, 3.50.100, and 35.20.220, and must be processed in the same manner as parking violations; and

(ix) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

(2) \$210,000 of the highway safety account--state appropriation is provided solely for continuing the five existing DUI/traffic safety task forces that receive federal project funding that expires during the 2003-05

biennium. However, the appropriation in this subsection may only be expended for a task force when the federal funding for that task force has expired.

(3)(a) \$1,555,000 of the school zone safety account--state appropriation is provided solely as matching funds for the following school safety enhancement projects, as proposed by local agencies, schools, and tribal governments in response to the department of transportation's highways and local programs request for information for potential projects to be financed under Referendum No. 51:

Agency	Project Title
Cheney	School Crosswalk Improvement Project
Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
Brier	37th Pl SW & 233rd Pl SW Sidewalk
Sunnyside	Lincoln Ave Sidewalks
Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
Steilacoom	Cherrydale Elementary School Safety Enhancement
Yakima	W Valley School Zone Flashers
Camas SD	SR 500 at 15th St Interchange
Seattle	Meadowbrook Playfield - NE 105th St
Vancouver	Franklin ES Sidewalk Improvements

(b) If one or more of the projects under this subsection cannot be completed or no longer seeks state matching funds, the following projects may be substituted in order of priority:

Agency	Project Title
Davenport	Davenport Sixth St School Sidewalk
Edmonds	96th Ave W Pedestrian Improvements
Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary
Yakima	Englewood/Powerhouse Intersection Safety Project

(c) The highways and local programs division within the department of transportation shall provide assistance to the commission in administering this program.

(d) The legislature intends to tie funding to specific projects only for the 2003-05 biennium.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
COUNTY ROAD ADMINISTRATION BOARD  
Rural Arterial Trust Account--State Appropriation \$769,000  
Motor Vehicle Account--State Appropriation \$1,927,000  
County Arterial Preservation Account--State Appropriation \$719,000  
TOTAL APPROPRIATION \$3,415,000

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$1,611,000  
Transportation Improvement Account--State Appropriation \$1,620,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS**  
BOARD OF PILOTAGE COMMISSIONERS  
Pilotage Account--State Appropriation \$272,000

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**  
LEGISLATIVE TRANSPORTATION COMMITTEE  
Motor Vehicle Account--State Appropriation \$2,374,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No funding is provided for the staffing, administration and operations of the house of representatives transportation committee. Existing staff of the transportation committee shall be transferred to the house of representatives in the office of program research. All tangible and intangible property that has been acquired by, or allocated for use by the house of representatives transportation committee and its staff, including but not limited to office space and equipment, information systems technology, and employer-related assets, rights, privileges, and liabilities shall be transferred to the house of representatives. Any property acquired by, or allocated for use by the senate transportation committee and its staff shall be transferred to the senate.

(2) \$1,600,000 of the motor vehicle state appropriation in this section is provided for the purposes of (a) and (b) of this subsection:

(a)(i) If Substitute Senate Bill No. 5748 becomes law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments as provided in Substitute Senate Bill No. 5748; and

(ii) If Substitute Senate Bill No. 5748 does not become law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments paid for and ordered by the executive committee of the legislative transportation committee, pursuant to a recommendation of the transportation performance audit board hereby created. The transportation performance audit board shall consist of the majority and minority leaders of the transportation committees of the legislature, five citizen members with transportation-related expertise who shall be nominated by professional associations chosen by the board's legislative members and appointed by the governor, the legislative auditor as an ex officio member, and one at-large member appointed by the governor. The citizen members may not currently, or within one year of their appointment, be employed by the Washington state department of transportation, and shall include:

(A) One member with expertise in construction project planning, including permitting and assuring regulatory compliance;

(B) One member with expertise in construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(C) One member with expertise in construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(D) One member with expertise in project management, including design estimating, contract packaging, and procurement; and

(E) One member with expertise in transportation planning and congestion management.

(b) Within the amount provided in this subsection, the legislative transportation committee shall consider contracting with the joint legislative audit and review committee to conduct a targeted performance audit of the Washington state patrol. For this performance audit, the joint legislative audit and review committee shall put its highest priority on the following topics: (i) An assessment of the types and categories of services, including a contrast of public highway policing and general policing services provided by the patrol, and the organizational structures used to deliver these services; (ii) an evaluation of the patrol's fiscal policies and procedures, including a differentiation between transportation and general fund expenditures; and (iii) an evaluation of the linkages among expenditures, organizational structures, service delivery, accountability, and outcomes. If a contract is entered into under this subsection (b), the joint legislative audit and review committee shall provide a progress report to the appropriate committees of the legislature by December 31, 2003, and a final report, including findings and recommendations, by September 30, 2004.

(3) The legislative transportation committee shall develop a mission and organizational plan during the 2003 legislative interim that:

(a) Reconciles any newly-mandated responsibilities (such as performance auditing and benchmarking) with current statutory responsibilities;

(b) Develops a process for adopting interim work plans, including identifying subcommittees of the legislative transportation committee, special studies or activities to be undertaken (which may include a study of administrative costs funded with commute trip reduction funds and how administrative cost savings can be achieved), deliverables and/or expected outcomes, and resources required to accomplish the work plan;

(c) Develops a long-range staffing plan to fit any new statutory requirements and a redefined mission and organizational plan; and

(d) Ensures that all basic legislative transportation committee functions and the adopted interim work plan are appropriately funded.

**NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION**  
**TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation \$807,000

**NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

**FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation \$616,000

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

**WASHINGTON STATE PATROL FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation \$171,269,000

State Patrol Highway Account--Federal Appropriation \$6,167,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

**TOTAL APPROPRIATION \$177,611,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

**WASHINGTON STATE PATROL SUPPORT SERVICES BUREAU**

State Patrol Highway Account--State Appropriation \$69,993,000

State Patrol Highway Account--Private/Local Appropriation \$1,290,000

**TOTAL APPROPRIATION \$71,283,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.



(2) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT SERVICES**

DEPARTMENT OF LICENSING MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$7,000  
Motorcycle Safety Education Account--State Appropriation \$85,000  
Wildlife Account--State Appropriation \$77,000  
Highway Safety Account--State Appropriation \$8,286,000  
Motor Vehicle Account--State Appropriation \$4,623,000  
DOL Services Account--State Appropriation \$107,000  
TOTAL APPROPRIATION \$13,185,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING-- INFORMATION SERVICES**

DEPARTMENT OF LICENSING INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000  
Motorcycle Safety Education Account--State Appropriation \$133,000  
Wildlife Account--State Appropriation \$58,000  
Highway Safety Account--State Appropriation \$10,489,000  
Highway Safety Account--Federal Appropriation \$6,000  
Motor Vehicle Account--State Appropriation \$6,569,000  
DOL Services Account--State Appropriation \$670,000  
TOTAL APPROPRIATION \$17,927,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

DEPARTMENT OF LICENSING VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000  
Wildlife Account--State Appropriation \$585,000  
Motor Vehicle Account--Local Appropriation \$1,372,000  
Motor Vehicle Account--State Appropriation \$61,509,000  
Motor Vehicle Account--Federal Appropriation \$600,000  
DOL Services Account--State Appropriation \$3,211,000  
TOTAL APPROPRIATION \$67,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$2,901,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065. Within the amount provided, the department shall fund the implementation of a digital license plate system including the purchase of digital license plate printing equipment for correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. By December 1, 2003, the department and correctional industries shall submit a report to the transportation committees of the legislature detailing the digital license plate printing system implementation plan. By January 1, 2005, the department and correctional industries shall submit a report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process. If House Bill No. 2065 is not enacted by June 30, 2003, \$2,901,000 of the motor vehicle account--state appropriation shall lapse.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

DEPARTMENT OF LICENSING DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000  
Highway Safety Account--State Appropriation \$84,809,000  
Highway Safety Account--Federal Appropriation \$318,000  
TOTAL APPROPRIATION \$87,703,000

The appropriations in this section are subject to the following conditions and limitations: \$178,000 of the highway safety account-- state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--  
INFORMATION TECHNOLOGY--PROGRAM C**

**DEPARTMENT OF TRANSPORTATION INFORMATION TECHNOLOGY--PROGRAM C**

Motor Vehicle Account--State Appropriation \$58,661,000  
Motor Vehicle Account--Federal Appropriation \$5,163,000  
Puget Sound Ferry Operations Account--State Appropriation \$6,583,000  
Multimodal Transportation Account--State Appropriation \$363,000  
TOTAL APPROPRIATION \$70,770,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.

(2)(a) \$2,963,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$400,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. \$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY  
MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D-- OPERATING  
DEPARTMENT OF TRANSPORTATION FACILITY MAINTENANCE, OPERATIONS AND  
CONSTRUCTION--PROGRAM D**

Motor Vehicle Account--State Appropriation \$31,048,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--  
PROGRAM F**

**DEPARTMENT OF TRANSPORTATION AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation \$5,107,000  
Aeronautics Account--Federal Appropriation \$650,000  
Aircraft Search and Rescue Safety and Education Account--State Appropriation \$282,000  
TOTAL APPROPRIATION \$6,039,000

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account-- state appropriation is provided solely for additional preservation grants to airports. \$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities. If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**  
DEPARTMENT OF TRANSPORTATION PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation \$49,010,000  
Motor Vehicle Account--Federal Appropriation \$400,000  
TOTAL APPROPRIATION \$49,410,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.  
(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee.  
(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K**  
DEPARTMENT OF TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K  
Motor Vehicle Account--State Appropriation \$1,011,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M**  
DEPARTMENT OF TRANSPORTATION HIGHWAY MAINTENANCE--PROGRAM M  
Motor Vehicle Account--State Appropriation \$283,350,000  
Motor Vehicle Account--Federal Appropriation \$1,426,000  
Motor Vehicle Account--Private/Local Appropriation \$4,253,000  
TOTAL APPROPRIATION \$289,029,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.  
(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.  
(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.  
(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:  
(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;  
(b) Eliminating the number of activities delivered in the "f" level of service at the region level;  
(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and  
(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**  
DEPARTMENT OF TRANSPORTATION TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation \$38,869,000  
Motor Vehicle Account--Private/Local Appropriation \$125,000  
TOTAL APPROPRIATION \$38,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**  
DEPARTMENT OF TRANSPORTATION TRANSPORTATION MANAGEMENT AND SUPPORT--  
PROGRAM S

Motor Vehicle Account--State Appropriation \$24,852,000  
Motor Vehicle Account--Federal Appropriation \$636,000  
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000  
Multimodal Transportation Account--State Appropriation \$973,000  
TOTAL APPROPRIATION \$27,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**  
DEPARTMENT OF TRANSPORTATION TRANSPORTATION PLANNING, DATA, AND RESEARCH--  
PROGRAM T

Motor Vehicle Account--State Appropriation \$30,064,000  
Motor Vehicle Account--Federal Appropriation \$14,814,000  
Multimodal Transportation Account--State Appropriation \$1,021,000  
Multimodal Transportation Account--Federal Appropriation \$2,000,000  
TOTAL APPROPRIATION \$47,899,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound, Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1)

of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U**  
DEPARTMENT OF TRANSPORTATION CHARGES FROM OTHER AGENCIES--PROGRAM U  
Motor Vehicle Account--State Appropriation \$61,082,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$50,799,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES \$989,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$823,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL \$2,252,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$50,799,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$523,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM V**  
DEPARTMENT OF TRANSPORTATION PUBLIC TRANSPORTATION--PROGRAM V  
Multimodal Transportation Account--State Appropriation \$46,457,000  
Multimodal Transportation Account--Federal Appropriation \$2,574,000  
Multimodal Transportation Account--Private/Local Appropriation \$155,000  
TOTAL APPROPRIATION \$49,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for public transit agencies. The grant program will cover capital costs only; no operating costs are eligible for funding under this grant program. Only grants that add vanpools are eligible, no

supplanting of transit funds currently funding vanpools is allowed. Additional criteria for selecting grants will include leveraging funds other than state funds.

(5) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE-- PROGRAM X**

DEPARTMENT OF TRANSPORTATION MARINE--PROGRAM X  
Puget Sound Ferry Operations Account--State Appropriation \$309,580,000  
Multimodal Transportation Account--State Appropriation \$5,120,000  
TOTAL APPROPRIATION \$314,700,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$34,701,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$207,757,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.

(4) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

(5) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

(6) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(7) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(8) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long- term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

(9) The department must provide a separate accounting of passenger- only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

(10) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the

legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(11) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State Appropriation \$35,075,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,831,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--OPERATING**

DEPARTMENT OF TRANSPORTATION LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation \$7,057,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION \$9,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

**TRANSPORTATION AGENCIES--CAPITAL**

**NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

WASHINGTON STATE PATROL  
State Patrol Highway Account--State Appropriation \$2,205,000

The appropriation in this section is subject to the following conditions and limitations: \$625,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

COUNTY ROAD ADMINISTRATION BOARD  
Rural Arterial Trust Account--State Appropriation \$61,660,000

Motor Vehicle Account--State Appropriation \$362,000

County Arterial Preservation Account--State appropriation \$28,747,000

TOTAL APPROPRIATION \$90,769,000

The appropriations in this section are subject to the following conditions and limitations: \$362,000 of the motor vehicle account-- state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

**NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
TRANSPORTATION IMPROVEMENT BOARD  
Urban Arterial Trust Account--State Appropriation \$99,201,000  
Transportation Improvement Account--State Appropriation \$98,215,000  
TOTAL APPROPRIATION \$197,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

(2) The transportation improvement board shall maintain grant funding currently approved for the SR 3/SR 303 Interchange (Waaga Way).

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
DEPARTMENT OF TRANSPORTATION PROGRAM D--CAPITAL  
Motor Vehicle Account--State Appropriation \$17,296,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire motor vehicle account--state appropriation is provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The department shall develop a standard design for all maintenance facilities to be funded under this section. Prior to developing design standards, the department must solicit input from all personnel classifications typically employed at maintenance facilities. By September 1, 2003, the department shall submit a report to the legislative transportation committees describing the stakeholder involvement process undertaken and the adopted design standards for maintenance facilities.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I**  
DEPARTMENT OF TRANSPORTATION IMPROVEMENTS--PROGRAM I  
Transportation 2003 Account (Nickel Account)--State Appropriation \$565,300,000  
Transportation 2003 Account (Nickel Account)--Federal Appropriation \$950,000  
Transportation 2003 Account (Nickel Account)--Local Appropriation \$3,434,000  
Motor Vehicle Account--State Appropriation \$157,374,000  
Motor Vehicle Account--Federal Appropriation \$192,940,000  
Motor Vehicle Account--Local Appropriation \$13,258,000  
Special Category C Account--State Appropriation \$50,279,000  
Tacoma Narrows Toll Bridge Account Appropriation \$613,300,000  
TOTAL APPROPRIATION \$1,596,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$157,374,000 of the motor vehicle account--state appropriation, \$192,940,000 of the motor vehicle account--federal appropriation, \$13,258,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$78,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes \$18,038,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

(3) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$46,300,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(4) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.



(5) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(6) The motor vehicle account--state appropriation includes \$280,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$11,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(8) \$250,000 of the transportation 2003 account (Nickel Account)-- state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(9)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

- (A) Ability to carry long-haul freight;
- (B) Ability to provide for passenger auto travel;
- (C) Freight rail;
- (D) Passenger rail;
- (E) Public utilities; and
- (F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(10) \$8,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington-Bothell campus access project. This amount will cover approximately one-half of the construction costs.

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under this subsection ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(13) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(14) To manage some projects more efficiently, federal funds may be transferred from program Z to program I to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(15) The department of transportation may not operate any existing high-occupancy vehicle lanes and may not open or operate any new high- occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon unless: (a) Vehicle spaces at park and ride lots within the county are three times the capacity in existence on the effective date of this act; (b) the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes; and (c) the department of transportation determines that high-occupancy vehicle lanes will improve travel time by at least eight minutes over the length of the high-occupancy vehicle lanes.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

**DEPARTMENT OF TRANSPORTATION PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account) \$2,000,000  
Motor Vehicle Account--State Appropriation \$178,909,000  
Motor Vehicle Account--Federal Appropriation \$457,467,000  
Motor Vehicle Account--Local Appropriation \$12,666,000  
Multimodal Account--State Appropriation \$6,000,000  
Multimodal Account--Federal Appropriation \$4,247,000  
TOTAL APPROPRIATION \$661,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$6,000,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(7) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(8) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC  
OPERATIONS--PROGRAM Q--CAPITAL**

**DEPARTMENT OF TRANSPORTATION TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation \$11,688,000  
Motor Vehicle Account--Federal Appropriation \$14,510,000  
Multimodal Transportation Account--State Appropriation \$3,000,000  
TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided in this section are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--  
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

**DEPARTMENT OF TRANSPORTATION WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM  
W**

Puget Sound Capital Construction Account--State Appropriation \$129,066,000

Puget Sound Capital Construction Account--Federal Appropriation \$34,400,000  
Multimodal Transportation Account--State Appropriation \$13,381,000  
Transportation 2003 Account (nickel account) Appropriation \$5,749,000  
TOTAL APPROPRIATION \$182,596,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$129,066,000 of the Puget Sound capital construction account-- state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(4) The Puget Sound capital construction account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(5) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--  
PROGRAM Y--CAPITAL**

**DEPARTMENT OF TRANSPORTATION RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation \$770,000  
Multimodal Transportation Account--State Appropriation \$35,530,000  
Multimodal Transportation Account--Federal Appropriation \$9,499,000  
Washington Fruit Express Account--State Appropriation \$500,000  
TOTAL APPROPRIATION \$46,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$5,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account-- federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) \$2,000,000 of the multimodal transportation account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL  
PROGRAMS--PROGRAM Z--CAPITAL**  
**DEPARTMENT OF TRANSPORTATION LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation \$207,000  
Highway Infrastructure Account--Federal Appropriation \$1,602,000  
Motor Vehicle Account--State Appropriation \$28,425,000  
Multimodal Transportation Account--State Appropriation \$13,726,000  
TOTAL APPROPRIATION \$43,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) \$1,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) \$4,010,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes \$20,452,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

## TRANSFERS AND DISTRIBUTIONS

### **NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

STATE TREASURER BOND RETIREMENT AND INTEREST  
Highway Bond Retirement Account Appropriation \$258,971,000  
Nondebt-Limit Reimbursable Account Appropriation \$4,131,000  
Ferry Bond Retirement Account Appropriation \$43,340,000

Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000  
Motor Vehicle Account--State Appropriation \$3,876,000  
Special Category C Account--State Appropriation \$331,000  
Transportation Improvement Account--State Appropriation \$240,000  
Multimodal Transportation Account--State Appropriation \$358,000  
Transportation 2003 Account (nickel account) Appropriation \$2,100,000  
TOTAL APPROPRIATION \$350,068,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

STATE TREASURER BOND RETIREMENT AND INTEREST  
Motor Vehicle Account--State Appropriation \$1,293,000  
Special Category C Account Appropriation \$111,000  
Transportation Improvement Account--State Appropriation \$5,000  
Multimodal Transportation Account--State Appropriation \$119,000  
Transportation 2003 Account (nickel account)--State Appropriation \$700,000  
TOTAL APPROPRIATION \$2,228,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

STATE TREASURER BOND RETIREMENT AND INTEREST  
(1) Motor Vehicle Account--State Reappropriation:  
For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:  
For transfer to the Puget Sound capital construction account \$45,000,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$441,359,000  
Motor Vehicle Account--State Appropriation: For license permit and fee distributions to cities and counties \$51,652,000

**NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS**  
STATE TREASURER TRANSFERS

(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$20,000,000  
(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers \$465,152,000  
(3) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSFERS**  
DEPARTMENT OF TRANSPORTATION TRANSFERS

(1) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Ferry Operations Account \$21,757,000  
(2) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account \$64,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation: For transfer to Puget Sound Capital Construction Account \$22,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--**  
**TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS TRANSFERS**

State Patrol Highway Account: For transfer to the department of retirement systems expense account:  
For the administrative expenses of the judicial retirement system \$223,304

**NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT--**  
**CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS**  
**OFFICE OF FINANCIAL MANAGEMENT CONTRIBUTIONS TO RETIREMENT SYSTEMS AND**  
**EMPLOYEE HEALTH BENEFITS**

Pilotage Account--State Appropriation \$2,000

Aeronautics Account--State Appropriation \$12,000

State Patrol Highway Account--State Appropriation \$2,044,000

State Patrol Highway Account--Federal Appropriation \$34,000

State Patrol Highway Account--Local Appropriation \$10,000

Motorcycle Safety Education Account--State Appropriation \$2,000

Rural Arterial Trust Account--State Appropriation \$4,000

Highway Safety Account--State Appropriation \$634,000

Highway Safety Account--Federal Appropriation \$19,000

Motor Vehicle Account--State Appropriation \$2,770,000

Puget Sound Ferry Operations Account--State Appropriation \$1,556,000

Urban Arterial Trust Account--State Appropriation \$8,000

Transportation Improvement Account--State Appropriation \$3,000

County Arterial Preservation Account--State Appropriation \$5,000

Department of Licensing Services Account--State Appropriation \$3,000

TOTAL APPROPRIATION \$7,106,000

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--TRANSFERS**  
**STATE TREASURER TRANSFERS**

License Plate Technology Account: For transfer to the motor vehicle account--state:  
For the implementation of House Bill No. 2065 \$2,901,000

If House Bill No. 2065 is not enacted by June 30, 2003, this section is null and void.

**NEW SECTION. Sec. 410. STATUTORY APPROPRIATIONS.**  
**STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 411.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

## 2001-03 BIENNIUM

### TRANSPORTATION AGENCIES

**Sec. 1201.** 2002 c 359 s 205 (uncodified) is amended to read as follows:  
**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**  
**LEGISLATIVE TRANSPORTATION COMMITTEE**  
Motor Vehicle Account--State Appropriation \$3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.120(3).

(4) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

~~((4))~~ (5) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

~~((5))~~ (6) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

~~((6))~~ (7) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

(a) The costs and benefits of providing such services;

(b) The impact of such service on ridership on the areawide system and on any regional systems;

(c) Funding options for supplemental services; and

(d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

~~((7))~~ (8) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

~~((8))~~ (9) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

~~((9))~~ (10) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce

between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

**Sec. 1202.** 2002 c 359 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

WASHINGTON STATE PATROL FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation ( <del>(\$164,147,000)</del> )	<u>\$163,727,000</u>
State Patrol Highway Account--Federal Appropriation ( <del>(\$7,278,000)</del> )	<u>\$7,544,000</u>
State Patrol Highway Account--Private/Local Appropriation ( <del>(\$169,000)</del> )	<u>\$282,000</u>
<b>TOTAL APPROPRIATION (<del>(\$171,594,000)</del>)</b>	<u><b>\$171,553,000</b></u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers- Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

**Sec. 1203.** 2002 c 359 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

WASHINGTON STATE PATROL SUPPORT SERVICES BUREAU

Multimodal Transportation Account--State Appropriation \$5,247,000	
State Patrol Highway Account--State Appropriation ( <del>(\$71,736,000)</del> )	<u>\$71,418,000</u>
State Patrol Highway Account--Private/Local Appropriation \$735,000	
<b>TOTAL APPROPRIATION (<del>(\$77,718,000)</del>)</b>	<u><b>\$77,400,000</b></u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December



1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

**Sec. 1204.** 2002 c 359 s 210 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**  
DEPARTMENT OF LICENSING MANAGEMENT AND SUPPORT SERVICES  
Marine Fuel Tax Refund Account--State Appropriation \$3,000  
Motorcycle Safety Education Account--State Appropriation \$88,000  
Wildlife Account--State Appropriation \$81,000  
Highway Safety Account--State Appropriation (~~(\$7,724,000)~~) \$7,763,000

Highway Safety Account--Federal Appropriation \$55,000  
Motor Vehicle Account--State Appropriation (~~(\$4,400,000)~~) \$4,415,000

Licensing Services Account--State Appropriation \$173,000  
TOTAL APPROPRIATION (~~(\$12,524,000)~~) \$12,578,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1205.** 2002 c 359 s 211 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**  
DEPARTMENT OF LICENSING INFORMATION SYSTEMS  
Marine Fuel Tax Refund Account--State Appropriation \$2,000  
Motorcycle Safety Education Account--State Appropriation \$13,000  
Wildlife Account--State Appropriation \$34,000  
Highway Safety Account--State Appropriation (~~(\$5,735,000)~~) \$5,763,000

Highway Safety Account--Federal Appropriation \$31,000  
Motor Vehicle Account--State Appropriation (~~(\$3,695,000)~~) \$3,707,000

Licensing Services Account--State Appropriation (~~(\$213,000)~~) \$214,000

TOTAL APPROPRIATION (~~(\$9,723,000)~~) \$9,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the

legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1206.** 2002 c 359 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

DEPARTMENT OF LICENSING VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$26,000

Wildlife Account--State Appropriation \$578,000

Motor Vehicle Account--State Appropriation (~~(\$58,191,000)~~)

\$58,479,000

Licensing Services Account--State Appropriation \$4,240,000

TOTAL APPROPRIATION (~~(\$63,035,000)~~)

\$63,323,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1207.** 2002 c 359 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

DEPARTMENT OF LICENSING DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,573,000

Highway Safety Account--State Appropriation (~~(\$82,175,000)~~)

\$82,667,000

Highway Safety Account--Federal Appropriation (~~(\$788,000)~~)

\$824,000

TOTAL APPROPRIATION (~~(\$85,536,000)~~)

\$86,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**Sec. 1208.** 2002 c 359 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

DEPARTMENT OF TRANSPORTATION AVIATION--PROGRAM F

Aeronautics Account--State Appropriation (~~(\$5,349,000)~~)

\$4,967,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION (~~(\$5,509,000)~~)

\$5,127,000

**Sec. 1209.** 2002 c 359 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

DEPARTMENT OF TRANSPORTATION CHARGES FROM OTHER AGENCIES--PROGRAM U

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF WASHINGTON STATE FERRIES TORT LIABILITY AND SETTLEMENTS

Motor Vehicle Account--State Appropriation \$5,626,000

~~((4))~~ (2) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES

Motor Vehicle Account--State Appropriation \$464,000

Puget Sound Ferry Operations--State Appropriation \$154,000

~~((2))~~ (3) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation \$713,000

~~((3))~~ (4) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation \$4,047,000

~~((4))~~ (5) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation \$2,237,000

~~((5))~~ (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation \$28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$251,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$457,000

TOTAL APPROPRIATION (~~(\$42,829,000)~~)

\$48,455,000

**Sec. 1210.** 2002 c 359 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W DEPARTMENT OF TRANSPORTATION WASHINGTON STATE  
FERRIES CONSTRUCTION--PROGRAM W** Motor Vehicle Account--State Appropriation ~~\$(134,390,000)~~ \$136,052,000  
Motor Vehicle Account--Federal Appropriation ~~\$(37,472,000)~~ \$35,810,000  
Passenger Ferry Account--State Appropriation \$1,500,000  
Passenger Ferry Account--Federal Appropriation \$4,000,000  
TOTAL APPROPRIATION \$177,362,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

(3) The department shall provide staff support to a legislative oversight committee that will manage a study of the Eagle Harbor maintenance facility. The legislative oversight committee shall consist of two members from each caucus in each house of the legislature, appointed by the leadership of the members' respective caucus. The department shall issue a request for proposals on behalf of the legislative oversight committee for an outside consulting firm to conduct a study on the preservation, replacement, or supplementation of the Eagle Harbor maintenance facility. The study must analyze: (a) The costs and benefits to preserve and maintain or relocate the facility; (b) the impact of Eagle Harbor employment on the local community and Kitsap county; and (c) a recommendation on future investment in the Eagle Harbor maintenance facility or possible alternatives. The contractor and the legislative oversight committee must report back to the legislature's transportation committees no later than December 10, 2002.

**Sec. 1211.** 2002 c 359 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X  
DEPARTMENT OF TRANSPORTATION MARINE--PROGRAM X** Puget Sound Ferry Operations Account--State Appropriation ~~\$(311,312,000)~~ \$313,250,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ~~\$(35,159,000)~~ \$35,797,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the

legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

#### **TRANSPORTATION AGENCIES--CAPITAL**

**Sec. 1301.** 2001 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:

##### **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

##### **DEPARTMENT OF TRANSPORTATION PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation (~~(\$13,046,000)~~)

\$12,371,000

**Sec. 1302.** 2002 c 359 s 216 (uncodified) is amended to read as follows:

##### **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

##### **DEPARTMENT OF TRANSPORTATION IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation (~~(\$417,472,000)~~)

\$416,921,000

Motor Vehicle Account--Federal Appropriation \$230,929,000

Motor Vehicle Account--Private/Local Appropriation \$48,872,000

Tacoma Narrows Toll Bridge Account--State Appropriation \$839,000,000

Special Category C Account--State Appropriation \$49,608,000

**TOTAL APPROPRIATION (~~(\$1,585,881,000)~~)**

\$1,585,330,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$49,608,000 includes \$41,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes \$348,364,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$4,880,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

(5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

(7) The Tacoma narrows toll bridge account--state appropriation includes \$800,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

### TRANSFERS AND DISTRIBUTIONS

**Sec. 1401.** 2002 c 359 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

STATE TREASURER BOND RETIREMENT AND INTEREST  
Highway Bond Retirement Account Appropriation (~~(\$208,206,000)~~)

\$196,524,000

Ferry Bond Retirement Account Appropriation (~~(\$52,473,000)~~)

\$52,474,000

Transportation Improvement Board Bond Retirement Account--State Appropriation (~~(\$40,856,000)~~)

\$38,088,000

Motor Vehicle Account--State Appropriation (~~(\$4,588,000)~~)

\$3,136,000

Special Category C Account--State Appropriation (~~(\$631,000)~~)

\$114,000

Transportation Improvement Account--State Appropriation (~~(\$340,000)~~)

\$76,000

TOTAL APPROPRIATION (~~(\$307,094,000)~~)

\$290,412,000

**Sec. 1402.** 2002 c 359 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

STATE TREASURER BOND RETIREMENT AND INTEREST

Motor Vehicle Account--State Appropriation (~~(\$459,000)~~)

\$334,000

Special Category C Account Appropriation (~~(\$41,000)~~)

\$18,000

Transportation Improvement Account--State Appropriation \$34,000

TOTAL APPROPRIATION (~~(\$534,000)~~)

\$386,000

**Sec. 1403.** 2002 c 359 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

STATE TREASURER STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties (~~(\$428,981,000)~~)

\$425,501,000

Motor Vehicle Account Appropriation for motor vehicle license, permit, and fee distributions to cities and counties \$56,304,000

**Sec. 1404.** 2002 c 359 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

STATE TREASURER TRANSFERS

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Fund--State (~~(\$1,344,000)~~)

\$542,000

The department of transportation shall only transfer funds provided under this subsection (~~((1) of this section))~~ on an as-needed basis.

~~((2))~~ (~~Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$1,911,000~~)

~~((3))~~ State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$48,657,000

~~((4))~~ (3) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers (~~(\$453,279,000)~~)

\$448,264,000

~~((6))~~ (4) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$1,500,000

~~((7))~~ (5) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$20,000,000

~~((8))~~ (6) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account (~~(\$839,000,000)~~)

\$39,000,000

~~((9))~~ (7) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$5,000,000

~~((4))~~ If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.

~~((2))~~ The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.)

NEW SECTION. **Sec. 1405.** A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

STATE TREASURER MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$800,000,000

The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

**PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. **Sec. 1501.** A new section is added to chapter 43.79 RCW to read as follows:

The state patrol nonappropriated airplane revolving account is created in the custody of the state treasurer. All receipts from aircraft user fees paid by other agencies and private users as reimbursement for the use of the patrol's aircraft that are primarily for purposes other than highway patrol must be deposited into the account. Expenditures from the account may be used only for expenses related to these aircraft. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 1502.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1503.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2002 c 359 ss 205, 207, 208, 210, 211, 212, 213, 215, 223, 225, 226, 216, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); adding a new section to chapter 43.79 RCW; adding a new section to 2001 2nd sp.s. c 14 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; and providing a contingent effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Murray, Ericksen, Wallace, Jarrett and Romero spoke in favor of the passage of the bill.

Representatives Woods and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1163 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1163, as amended by the Senate and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Hinkle, Holmquist, McMahan, Mielke, Newhouse, Orcutt, Schoesler, Skinner, Sump, Talcott and Woods - 27.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:



**"PART I - INTENT**

NEW SECTION. **Sec. 101.** The legislature finds that the state's transportation system is in critical need of repair, restoration, and enhancement. The states economy, the ability to move goods to market, and the overall mobility and safety of the citizens of the state rely on the state's transportation system. The revenues generated by this act are dedicated to funds, accounts, and activities that are necessary to improve the delivery of state transportation projects and services.

**PART II - LICENSE FEES**

**Sec. 201.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	37.00	37.00
\$	\$	
6,000 lbs.	44.00	44.00
\$	\$	
8,000 lbs.	55.00	55.00
\$	\$	
10,000 lbs.	62.00	62.00
\$	\$	
<del>((12,000 lbs.</del>	<del>72.00</del>	<del>72.00</del>
\$	\$	
<del>14,000 lbs.</del>	<del>82.00</del>	<del>82.00</del>
\$	\$	
<del>16,000 lbs.</del>	<del>92.00</del>	<del>92.00</del>
\$	\$	
<del>18,000 lbs.</del>	<del>137.00</del>	<del>137.00</del>
\$	\$	
<del>20,000 lbs.</del>	<del>152.00</del>	<del>152.00</del>
\$	\$	
<del>22,000 lbs.</del>	<del>164.00</del>	<del>164.00</del>
\$	\$	
<del>24,000 lbs.</del>	<del>177.00</del>	<del>177.00</del>
\$	\$	

26,000 lbs.	\$	187.00	\$	187.00
28,000 lbs.	\$	220.00	\$	220.00
30,000 lbs.	\$	253.00	\$	253.00
32,000 lbs.	\$	304.00	\$	304.00
34,000 lbs.	\$	323.00	\$	323.00
36,000 lbs.	\$	350.00	\$	350.00
38,000 lbs.	\$	384.00	\$	384.00
40,000 lbs.	\$	439.00	\$	439.00
42,000 lbs.	\$	456.00	\$	546.00
44,000 lbs.	\$	466.00	\$	556.00
46,000 lbs.	\$	501.00	\$	591.00
48,000 lbs.	\$	522.00	\$	612.00
50,000 lbs.	\$	566.00	\$	656.00
52,000 lbs.	\$	595.00	\$	685.00
54,000 lbs.	\$	642.00	\$	732.00
56,000 lbs.	\$	677.00	\$	767.00

58,000 lbs.		704.00		794.00
	\$		\$	
60,000 lbs.		750.00		840.00
	\$		\$	
62,000 lbs.		804.00		894.00
	\$		\$	
64,000 lbs.		822.00		912.00
	\$		\$	
66,000 lbs.		915.00		1,005.00
	\$		\$	
68,000 lbs.		954.00		1,044.00
	\$		\$	
70,000 lbs.		1,027.00		1,117.00
	\$		\$	
72,000 lbs.		1,098.00		1,188.00
	\$		\$	
74,000 lbs.		1,193.00		1,283.00
	\$		\$	
76,000 lbs.		1,289.00		1,379.00
	\$		\$	
78,000 lbs.		1,407.00		1,497.00
	\$		\$	
80,000 lbs.		1,518.00		1,608.00
	\$		\$	
82,000 lbs.		1,623.00		1,713.00
	\$		\$	
84,000 lbs.		1,728.00		1,818.00
	\$		\$	
86,000 lbs.		1,833.00		1,923.00
	\$		\$	
88,000 lbs.		1,938.00		2,028.00
	\$		\$	

<del>90,000 lbs.</del>	\$	2,043.00	\$	2,133.00
<del>92,000 lbs.</del>	\$	2,148.00	\$	2,238.00
<del>94,000 lbs.</del>	\$	2,253.00	\$	2,343.00
<del>96,000 lbs.</del>	\$	2,358.00	\$	2,448.00
<del>98,000 lbs.</del>	\$	2,463.00	\$	2,553.00
<del>100,000 lbs.</del>	\$	2,568.00	\$	2,658.00
<del>102,000 lbs.</del>	\$	2,673.00	\$	2,763.00
<del>104,000 lbs.</del>	\$	2,778.00	\$	2,868.00
<del>105,500 lbs.</del>	\$	2,883.00	\$	2,973.00))
<u>12,000 lbs.</u>	\$	<u>79.00</u>	\$	<u>79.00</u>
<u>14,000 lbs.</u>	\$	<u>90.00</u>	\$	<u>90.00</u>
<u>16,000 lbs.</u>	\$	<u>102.00</u>	\$	<u>102.00</u>
<u>18,000 lbs.</u>	\$	<u>154.00</u>	\$	<u>154.00</u>
<u>20,000 lbs.</u>	\$	<u>171.00</u>	\$	<u>171.00</u>
<u>22,000 lbs.</u>	\$	<u>185.00</u>	\$	<u>185.00</u>
<u>24,000 lbs.</u>	\$	<u>200.00</u>	\$	<u>200.00</u>

<u>26,000 lbs.</u>	\$	<u>211.00</u>	\$	<u>211.00</u>
<u>28,000 lbs.</u>	\$	<u>249.00</u>	\$	<u>249.00</u>
<u>30,000 lbs.</u>	\$	<u>287.00</u>	\$	<u>287.00</u>
<u>32,000 lbs.</u>	\$	<u>346.00</u>	\$	<u>346.00</u>
<u>34,000 lbs.</u>	\$	<u>368.00</u>	\$	<u>368.00</u>
<u>36,000 lbs.</u>	\$	<u>399.00</u>	\$	<u>399.00</u>
<u>38,000 lbs.</u>	\$	<u>438.00</u>	\$	<u>438.00</u>
<u>40,000 lbs.</u>	\$	<u>501.00</u>	\$	<u>501.00</u>
<u>42,000 lbs.</u>	\$	<u>521.00</u>	\$	<u>611.00</u>
<u>44,000 lbs.</u>	\$	<u>532.00</u>	\$	<u>622.00</u>
<u>46,000 lbs.</u>	\$	<u>572.00</u>	\$	<u>662.00</u>
<u>48,000 lbs.</u>	\$	<u>596.00</u>	\$	<u>686.00</u>
<u>50,000 lbs.</u>	\$	<u>647.00</u>	\$	<u>737.00</u>
<u>52,000 lbs.</u>	\$	<u>680.00</u>	\$	<u>770.00</u>
<u>54,000 lbs.</u>	\$	<u>734.00</u>	\$	<u>824.00</u>
<u>56,000 lbs.</u>	\$	<u>775.00</u>	\$	<u>865.00</u>

<u>58,000 lbs.</u>	\$	<u>806.00</u>	\$	<u>896.00</u>
<u>60,000 lbs.</u>	\$	<u>859.00</u>	\$	<u>949.00</u>
<u>62,000 lbs.</u>	\$	<u>921.00</u>	\$	<u>1,011.00</u>
<u>64,000 lbs.</u>	\$	<u>941.00</u>	\$	<u>1,031.00</u>
<u>66,000 lbs.</u>	\$	<u>1,048.00</u>	\$	<u>1,138.00</u>
<u>68,000 lbs.</u>	\$	<u>1,093.00</u>	\$	<u>1,183.00</u>
<u>70,000 lbs.</u>	\$	<u>1,177.00</u>	\$	<u>1,267.00</u>
<u>72,000 lbs.</u>	\$	<u>1,259.00</u>	\$	<u>1,349.00</u>
<u>74,000 lbs.</u>	\$	<u>1,368.00</u>	\$	<u>1,458.00</u>
<u>76,000 lbs.</u>	\$	<u>1,478.00</u>	\$	<u>1,568.00</u>
<u>78,000 lbs.</u>	\$	<u>1,614.00</u>	\$	<u>1,704.00</u>
<u>80,000 lbs.</u>	\$	<u>1,742.00</u>	\$	<u>1,832.00</u>
<u>82,000 lbs.</u>	\$	<u>1,863.00</u>	\$	<u>1,953.00</u>
<u>84,000 lbs.</u>	\$	<u>1,983.00</u>	\$	<u>2,073.00</u>
<u>86,000 lbs.</u>	\$	<u>2,104.00</u>	\$	<u>2,194.00</u>
<u>88,000 lbs.</u>	\$	<u>2,225.00</u>	\$	<u>2,315.00</u>

<u>90,000 lbs.</u>	<u>2,346.00</u>	<u>2,436.00</u>
	\$	\$
<u>92,000 lbs.</u>	<u>2,466.00</u>	<u>2,556.00</u>
	\$	\$
<u>94,000 lbs.</u>	<u>2,587.00</u>	<u>2,677.00</u>
	\$	\$
<u>96,000 lbs.</u>	<u>2,708.00</u>	<u>2,798.00</u>
	\$	\$
<u>98,000 lbs.</u>	<u>2,829.00</u>	<u>2,919.00</u>
	\$	\$
<u>100,000 lbs.</u>	<u>2,949.00</u>	<u>3,039.00</u>
	\$	\$
<u>102,000 lbs.</u>	<u>3,070.00</u>	<u>3,160.00</u>
	\$	\$
<u>104,000 lbs.</u>	<u>3,191.00</u>	<u>3,281.00</u>
	\$	\$
<u>105,500 lbs.</u>	<u>3,312.00</u>	<u>3,402.00</u>
	\$	\$

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 202.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

- (a) ~~((23.677))~~ 21.963 percent shall be deposited into the state patrol highway account of the motor vehicle fund;
- (b) ~~((1.524))~~ 1.411 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; ~~((and))~~
- (c) 7.240 percent shall be deposited into the transportation 2003 account (nickel account); and
- (d) The remaining proceeds shall be deposited into the motor vehicle fund.

### PART III - SALES AND USE TAX

**Sec. 301.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

- (1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.
- (2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.
- (3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.
- (4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.
- (5) The taxes imposed under this chapter shall apply to successive retail sales of the same property.
- ~~((4))~~ (6) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 302.** RCW 82.12.020 and 2003 c 5 (EHB 1977) s 2 are each amended to read as follows:

- (1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.
- (2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.
- (3) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property or service taxable under RCW 82.04.050(2)(a) or (3)(a) purchased at retail or acquired by lease, gift, or bailment if the sale to, or the use by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his bailor or donor.
- (4) Except as provided in this section, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters. If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; or in respect to the use of property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961, the tax imposed by this chapter does not apply.
- (5) The tax shall be levied and collected in an amount equal to the value of the article used or value of the service used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

**Sec. 303.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

- (1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:



- (a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;
- (b) Where the application is for the renewal of registration;
- (c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or
- (d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

**Sec. 304.** RCW 82.08.064 and 2000 c 104 s 3 are each amended to read as follows:

(1) A sales and use tax rate change under this chapter or chapter 82.12 RCW shall be imposed ~~((+))~~ (a) no sooner than seventy-five days after its enactment into law and ~~((=))~~ (b) only on the first day of January, April, July, or October.

(2) Subsection (1) of this section does not apply to the tax rate change in section 301 of this act.

#### PART IV - MOTOR AND SPECIAL FUEL TAXES

**Sec. 401.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

**Sec. 402.** RCW 82.38.030 and 2002 c 183 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~((computed in the manner provided in RCW 82.36.025 on each))~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) ~~((The tax))~~ Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Taxes are imposed ~~((by subsection (1) of this section is imposed))~~ when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer- terminal system.

~~((3))~~ (4) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 403.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (4)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((c))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((m))~~ (3) One hundred percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account (nickel account).

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 404.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((4)(i))~~ (2)(g) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(2)(g) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090~~((4)(i))~~ (2)(g) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**Sec. 405.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~(2)(a)~~) (3)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~(2)(b)~~) (3)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~(2)(c)~~) (3)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~(2)(d)~~) (3)(d).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(~~(2)(e)~~) (3)(e).

**Sec. 406.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~(4)~~) if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 407.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on ~~(the)~~ a tax rate ~~(in effect January 1, 1990)~~ of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

~~(a)~~ (i) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

~~(i)~~ (A) Not more than five percent may be expended for information programs under this chapter;

~~(ii)~~ (B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

~~(iii)~~ (C) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

~~(iv)~~ (D) Not more than fifty percent may be expended for nonhighway road recreation facilities;

~~(v)~~ (E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV recreation facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~(d)(i)~~ (e)(iv)(A) of this subsection;

~~(b)~~ (ii) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

~~(c)~~ (iii) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

~~(d)~~ (iv) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~(i)~~ (A) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

~~(ii)~~ (B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

~~(iii)~~ (C) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 408.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and ~~((the))~~ a fuel tax rate ~~((in effect January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter.

**Sec. 409.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing ~~((the))~~ a motor vehicle fuel tax rate ~~((under RCW 82.36.025 in effect on January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, to the recreation resource account and the remainder to the motor vehicle fund.

## PART V - OPTIONAL LICENSE PLATE FEE

**Sec. 501.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) By November 1, 2003, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

**NEW SECTION. Sec. 502.** A new section is added to chapter 46.16 RCW to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

## PART VI - ACCOUNT CREATION

**NEW SECTION. Sec. 601.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of

the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) The "nickel account" means the transportation 2003 account.

**Sec. 602.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and 2002 c 56 s 402 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective

beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

## **PART VII - MISCELLANEOUS**

NEW SECTION. Sec. 701. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 702. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 703. Sections 301 through 602 of this act take effect July 1, 2003, and sections 201 and 202 of this act take effect August 1, 2003.

NEW SECTION. Sec. 704. Section 201 of this act is effective with registrations that are due or will become due August 1, 2003, and thereafter.

NEW SECTION. Sec. 705. Part V of this act is null and void if House Bill No. 2065 becomes law by June 30, 2003."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 46.16.070, 46.68.035, 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035, 82.38.047, 46.09.170, 46.10.170, 79A.25.070, and 46.16.233; reenacting and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; creating new sections; and providing effective dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 and advanced the bill as amended by the Senate to final passage.

## **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Murray, Ericksen, Wallace and Rockefeller spoke in favor of the passage of the bill.

Representatives Mielke and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2231 as amended by the Senate.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Bailey, Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morris, Murray, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Haigh, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Skinner, Sump, Talcott and Woods - 38.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, as amended by the Senate, having received the constitutional majority, was declared passed.

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

### **INTRODUCTION & FIRST READING**

April 26, 2003

ESB 6062 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner and Spanel

AN ACT Relating to authorizing bonds for transportation funding; amending RCW 39.42.060 and 35.95A.120; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency.

There being no objection, ENGROSSED SENATE BILL NO. 6062 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

### **SECOND READING**

**ENGROSSED SENATE BILL NO. 6062, By Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner and Spanel**

**Authorizing bonds for transportation funding.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6062.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6062 and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.



Voting yea: Representatives Anderson, Bailey, Berkey, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Skinner, Sump, Talcott and Woods - 31.

ENGROSSED SENATE BILL NO. 6062, having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 26, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5039 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position regarding on its position regarding SUBSTITUTE SENATE BILL NO. 5039 and again asked the Senate to concur therein.

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 5450 was returned to Second Reading for purpose of amendments.

### **SECOND READING**

**ENGROSSED SENATE BILL NO. 5450, By Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles**

**Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.**

Representative Nixon moved the adoption of amendment (523) to amendment (489):

On page 5, beginning on line 1 of the amendment, strike all of section 10 and renumber the remaining sections

Representatives Nixon and Murray spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

The amendment (489) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Sullivan, Nixon and Wallace spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5450 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5450, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Cooper, Morris and Simpson - 3.

ENGROSSED SENATE BILL NO. 5450, as amended by the House, having received the necessary constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1788, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 39.10 RCW to read as follows:

(1) Public bodies may use a job order contract for public works projects when:

- (a) A public body has made a determination that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for public works projects or repair required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project;
- (b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;
- (c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book; and
- (d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.

(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

- (a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;
- (b) The reasons for using job order contracts;
- (c) A description of the qualifications required of the proposer;
- (d) The identity of the specific unit price book to be used;
- (e) The minimum contracted amount committed to the selected job order contractor;
- (f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on

similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and

(j) Other information relevant to the project.

(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(11) Each public body may have no more than two job order contracts in effect at any one time.

(12) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.

(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.

(17) For purposes of this section, "public body" includes any school district.

**Sec. 2.** RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW

39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

(4) "Job order contract" means a contract between a public body or any school district and a registered or licensed contractor in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(5) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(6) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(7) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

**Sec. 3.** RCW 39.10.067 and 2002 c 46 s 3 are each amended to read as follows:

In addition to the projects authorized in RCW 39.10.061, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

(1) The project must receive approval from the school district project review board established under RCW 39.10.115.

(2) The school district project review board may not authorize more than ~~((ten))~~ sixteen demonstration projects valued over ~~((five))~~ ten million dollars ~~((of which at least two demonstration projects must be valued between five and ten million dollars))~~.

(3) The school district project review board may not authorize more than two demonstration projects valued between five and ten million dollars and the authorization for the two demonstration projects shall expire upon the completion of the two projects.

**Sec. 4.** RCW 39.08.030 and 1989 c 58 s 1 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed)

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in section 1 of this act, bonds will be in an amount not less than the dollar value of all open work orders.

**Sec. 5.** RCW 39.30.060 and 2002 c 163 s 2 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(2) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

- (a) Refusal of the listed subcontractor to sign a contract with the prime contractor;
- (b) Bankruptcy or insolvency of the listed subcontractor;
- (c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;
- (d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract; or
- (e) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(3) The requirement of this section to name the prime contract bidder's proposed HVAC, plumbing, and electrical subcontractors applies only to proposed HVAC, plumbing, and electrical subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

(4) This section does not apply to job order contract requests for proposals under section 1 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.12 RCW to read as follows:

Job order contracts under section 1 of this act must pay prevailing wages for all work that would otherwise be subject to the requirements of this chapter. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

**Sec. 7.** RCW 60.28.011 and 2000 c 185 s 1 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of:  
(a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW ((39.10.060)) 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may

accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or material person who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

**Sec. 8.** RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and 2003 c ... s 2 (section 2 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) RCW 39.10.051 and 2002 c 46 s 1 & 2001 c 328 s 2;
- (6) RCW 39.10.061 and 2002 c 46 s 2 & 2001 c 328 s 3;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2003 c ... s 3 (section 3 of this act), 2002 c 46 s 3, & 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- (10) RCW 39.10.080 and 1994 c 132 s 8;
- (11) RCW 39.10.090 and 1994 c 132 s 9;
- (12) RCW 39.10.100 and 1994 c 132 s 10;
- (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13; ~~(and)~~
- (15) RCW 39.10.901 and 1994 c 132 s 14; and
- (16) RCW 39.10.-- and 2003 c ... s 1 (section 1 of this act).

**NEW SECTION. Sec. 9.** A new section is added to chapter 39.12 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

RCW 39.12.-- and 2003 c . . . s 6 (section 6 of this act)."

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.067, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1788 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Haigh and Armstrong spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1788 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1788, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1788, as amended by the Senate, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 26, 2003

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056 and has passed the bill as recommended by the Conference Committee.

### REPORT OF CONFERENCE COMMITTEE

We of your CONFERENCE COMMITTEE, to whom was referred **ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, Public works bidding**, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

When a municipality receives a written protest from a bidder for a public works project which is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

NEW SECTION. Sec. 2. A new section is added to chapter 39.04 RCW to read as follows:

A low bidder on a public works project who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

Sec. 3. RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public hospital district with total revenues



greater than fifteen million dollars per year utilizing the design-build procedure authorized by RCW 39.10.051 and every public hospital district, regardless of total revenues, proposing projects that are considered and approved by the public hospital district project review board under section 7 of this act; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

**Sec. 4.** RCW 39.10.051 and 2002 c 46 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over ten million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or  
(b) The project design is repetitive in nature and is an incidental part of the installation or construction;

or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or

(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that

measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

**Sec. 5.** RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board and those public hospital districts proposing projects that are considered and approved by the public hospital district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the

available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;  
(b) History of successful completion of a contract of similar type and scope;  
(c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;  
(d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;

(e) Ability to accurately estimate the subcontract bid package scope of work;  
(f) Ability to meet subcontract bid package shop drawing and other coordination procedures;  
(g) Eligibility to receive an award under applicable laws and regulations; and  
(h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:  
(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;  
(b) The bid opening is managed by the public body; and  
(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

**NEW SECTION. Sec. 6.** A new section is added to chapter 39.10 RCW to read as follows:

(1) In addition to the projects authorized in RCW 39.10.061, public hospital districts may also use the general contractor/construction manager contracting procedure for the construction of public hospital district capital demonstration projects, subject to the following conditions:

(a) The project must receive approval from the public hospital district project review board established under section 7 of this act.

(b) The public hospital district project review board may not authorize more than ten demonstration projects valued between five and ten million dollars.

(2) Public hospital districts may also use the general contractor/construction manager contracting procedure for the construction of any public hospital district capital project that has a value over ten million dollars and that has received approval from the public hospital district project review board established under section 7 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 39.10 RCW to read as follows:

(1) The public hospital district project review board is established to review public hospital district proposals submitted by public hospital districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the public hospital district under subsection (2) of this section. Any appointments for full terms or to fill a vacancy shall be made by the governor and shall include the following representatives, each having experience with public works or commercial construction: One representative from the department of health; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from public hospital districts with total revenues greater than fifteen million dollars per year; and one representative from public hospital districts with total revenues equal to or less than fifteen million dollars per year. Each member shall be appointed for a term of three years, with the first three-year term commencing after July 27, 2003. Any member of the public hospital district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A public hospital district seeking to use alternative contracting procedures authorized under this chapter pursuant to section 6 of this act shall file an application with the public hospital district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the public hospital district's name; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the public hospital district's construction activity for the preceding six years; and an explanation of why the public hospital district believes the use of an alternative contracting procedure is in the public interest and why the public hospital district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the public hospital district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the public hospital district project review board to assist in its consideration.

(3) Any public hospital district whose application is approved by the public hospital district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any public hospital district whose application is approved by the public hospital district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

**Sec. 8.** RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and 2003 c ... s 3 (section 3 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) RCW 39.10.051 and 2003 c ... s 4 (section 4 of this act), 2002 c 46 s 1, & 2001 c 328 s 2;
- (6) RCW 39.10.061 and 2003 c ... s 5 (section 5 of this act), 2002 c 46 s 2, & 2001 c 328 s 3;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2002 c 46 s 3 & 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- (10) RCW 39.10.080 and 1994 c 132 s 8;
- (11) RCW 39.10.090 and 1994 c 132 s 9;
- (12) RCW 39.10.100 and 1994 c 132 s 10;

- (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;  
(14) RCW 39.10.900 and 1994 c 132 s 13; (~~and~~)  
(15) RCW 39.10.901 and 1994 c 132 s 14;  
(16) RCW 39.10.--- and 2003 c ... s 6 (section 6 of this act); and  
(17) RCW 39.10.--- and 2003 c ... s 7 (section 7 of this act)."

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.051, 39.10.061, and 39.10.902; adding new sections to chapter 39.04 RCW; and adding new sections to chapter 39.10 RCW."

and that the bill do pass as recommended by the Conference Committee.

Senators Pam Roach, Don Benton and Jim Kastama and Representatives Kathy Haigh, Mike Armstrong and Steve Kirby.

There being no objection, the House adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056 and advanced the bill to Final Passage.

**FINAL PASSAGE OF HOUSE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE**

Representatives Haigh and Armstrong spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2056 as recommended by the Conference Committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2056 as recommended by the Conference Committee, and the bill passed the House by the following vote:  
Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended and the Committee on Appropriations was relieved of further consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5012 and the bill was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 12:00 p.m., April 27, 2003, the 105<sup>th</sup> Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ONE HUNDRED FOURTH DAY, APRIL 26, 2003

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

**FIFTY EIGHTH LEGISLATURE - REGULAR SESSION**

---

**ONE HUNDRED FIFTH DAY**

---

House Chamber, Olympia, Sunday, April 27, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Kristiansen and Jillian Maley. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Jim McIntire.

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

**INTRODUCTION & FIRST READING**

HB 2278 by Representatives Schual-Berke, Upthegrove, Dunshee, Sullivan, Priest, Pettigrew and McDermott

AN ACT Relating to airport impact mitigation; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Trade & Economic Development.

HB 2279 by Representatives Morris, Crouse and Nixon

AN ACT Relating to utility relocation; and amending RCW 81.112.100.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2280 by Representatives Bush, Simpson, Talcott, Mielke, Carrell, Campbell, Conway, Benson, Haigh, Crouse, Wood, Clements, Skinner, Tom, Holmquist, Newhouse, Buck, Armstrong, Shabro, Ahern, Hinkle, McDonald, Pearson, Anderson, Woods, Nixon and McMahan

AN ACT Relating to militia death benefits; amending RCW 28B.15.380; adding a new section to chapter 38.40 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2281 by Representatives Flannigan, Darneille and McDermott

AN ACT Relating to coverage for hearing aids; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care.

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

There being no objection, the rules were suspended and the Committee on Capital Budget was relieved of further consideration of SUBSTITUTE SENATE BILL NO. 5402 and the bill was placed on the Second Reading calendar.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1126,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1173,  
SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1335,  
SUBSTITUTE HOUSE BILL NO. 1571,  
HOUSE BILL NO. 1712,  
SUBSTITUTE HOUSE BILL NO. 1788,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,  
SUBSTITUTE HOUSE BILL NO. 1829,  
SECOND SUBSTITUTE HOUSE BILL NO. 1841,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,  
SUBSTITUTE HOUSE BILL NO. 2215,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,  
ENGROSSED SENATE BILL NO. 5073,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5190,  
SUBSTITUTE SENATE BILL NO. 5310,  
SENATE BILL NO. 5363,  
ENGROSSED SENATE BILL NO. 5389,  
SENATE BILL NO. 5437,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5520,  
SUBSTITUTE SENATE BILL NO. 5545,  
ENGROSSED SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 5748,  
SENATE BILL NO. 5783,  
SUBSTITUTE SENATE BILL NO. 5891,  
ENGROSSED SENATE BILL NO. 5991,  
SUBSTITUTE SENATE BILL NO. 6012,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,  
SUBSTITUTE SENATE BILL NO. 6054,  
SENATE BILL NO. 6057,  
SUBSTITUTE SENATE BILL NO. 6073,

### **MESSAGE FROM THE SENATE**

April 26, 2003

Mr. Speaker:

The Senate adhere to its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1085 and again asks the House to concur, and the same is herewith transmitted.

Milt H. Doumit, Secretary



There being no objection, the House adheres to its position regarding the Senate amendments of SUBSTITUTE HOUSE BILL NO. 1085.

## SENATE AMENDMENT TO HOUSE BILL

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that much work on municipal storm water management has already occurred throughout the state by counties, cities, and ports. The legislature also recognizes that municipal separate storm sewer systems face challenges that are different from other types of storm sewer systems and that implementing these programs involves great effort, significant costs, and inherent difficulties in identifying sources and controlling introduction of pollutants from a wide variety of sources that may contribute to the contamination of storm water discharged through municipal separate storm sewer systems. The legislature finds that phase one and phase two municipal separate storm sewer system permits developed by the department of ecology under the national pollutant discharge elimination system permit program of the federal clean water act (33 U.S.C. Sec. 1251 et seq.) need to identify storm water management mechanisms to best achieve environmental benefits and satisfy federal clean water act requirements in the most cost-effective manner.

(2) The legislature recognizes the need to determine whether it is in the state's interest to integrate municipal separate storm sewer system permit programs developed under phase one and phase two of the national pollutant discharge elimination system permit program. The legislature finds that coordinated permit programs and cooperative storm water management programs between and among local governments may reduce costs and enhance program effectiveness.

(3) The legislature finds that issues associated with storm water management are significantly different in eastern Washington, Puget Sound, and other areas of western Washington. The legislature also finds that the federal phase two permits developed by the department of ecology must recognize these differences.

**NEW SECTION. Sec. 2.** (1) The department of ecology shall establish a permit development advisory group for the geographic areas draining to Puget Sound in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall work within a facilitated process according to subsection (2) of this section to review the issues identified in section 5 of this act and to make recommendations and submit reports to the legislature according to section 6 of this act. The permit development advisory group, which may include up to eighteen members, of which at least half shall be representatives of local government, shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Advise and assist the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in geographic areas draining to Puget Sound in western Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) At its first meeting, the permit development advisory group shall establish an executive committee with a minimum of three and a maximum of five members. The executive committee shall include representatives of local government, business associations, and environmental organizations. The executive committee shall advise and assist the department of ecology to develop a request for proposals for a facilitator to work with and facilitate the permit development advisory group's review of the issues identified in section 5 of this act and to develop recommendations and submit reports to the legislature according to section 6 of this act. The executive committee also shall review the responses to the request for proposals and select the facilitator. The department of ecology and the executive committee shall work expeditiously to select a facilitator who can begin working with the permit development advisory group by June 1, 2003.

(3) This section expires June 30, 2005.

**NEW SECTION. Sec. 3.** (1) The department of ecology shall develop a municipal separate storm sewer system permit or permits that address the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the existing storm water advisory group it has established in eastern Washington to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington. The eastern Washington storm water advisory group shall:

(a) Review and address the issues specified in section 5 of this act as they pertain to eastern Washington and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Assist and advise the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in eastern Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 4.** (1) The department of ecology shall establish a permit development advisory group for the coastal and southwest areas in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and

(b) Advise and assist the department in drafting a permit or permits for municipal separate storm sewer systems in coastal and southwest Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 5.** (1) The permit development advisory group for Puget Sound areas in western Washington established in section 2 of this act, the eastern Washington storm water advisory group identified in section 3 of this act, and the permit development advisory group for coastal and southwest areas in western Washington established in section 4 of this act shall review and make recommendations to the department of ecology regarding the development of permits for municipal separate storm sewer systems. Issues considered by these groups shall include the:

(a) Types of discharges being regulated under these permits;

(b) Areas being regulated by these permits under phases one and two of the federal national pollutant discharge elimination system permit program as they relate to municipal borders;

(c) Issuance of these permits on a watershed basis;

(d) Integration of permits and permit requirements for phase one and phase two of the federal national pollutant discharge elimination system permit program;

(e) Application of these permits to ground water discharges;

(f) Level of effort required of municipalities to satisfy permit requirements regarding:

(i) Public education and outreach;

(ii) Public participation and public involvement;

(iii) Illicit discharge detection and elimination;

(iv) Construction site runoff control;

(v) Postconstruction runoff control;

(vi) Pollution prevention and good housekeeping;

(vii) Implementation of applicable total maximum daily loads; and

(viii) Program evaluation and reporting;

(g) Protection for shellfish areas;

(h) Costs and benefits associated with each permit element not required under federal law;

(i) The use of land use planning and existing land use plans and rules as a best management practice for storm water management; and

(j) Potential funding sources for implementation of permit requirements.

(2) This section expires June 30, 2005.

**NEW SECTION. Sec. 6.** (1) No later than December 15, 2003, the permit development advisory groups established and identified in sections 2, 3, and 4 of this act shall report regarding their work to the appropriate committees of the legislature.

(2) After the permits are developed but no later than December 1, 2004, the department of ecology shall submit a final report to the appropriate committees of the legislature regarding these permits and the work of the advisory groups. The department shall also identify any legislative recommendations from these groups or from the department based on the work of these groups.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "creating new sections; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1100, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment, and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 20.01.010 and 1991 c 174 s 1 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Director" means the director of agriculture or (~~his~~) a duly authorized representative.
- (2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.
- (3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock.
- (4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.
- (5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.
- (6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.
- (7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.
- (8) "Limited dealer" means any person (~~operating~~) who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product and who operates under the alternative bonding provision in RCW 20.01.211.
- (9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.
- (10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, credit card, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

(22) "Licensee" means any person or business licensed under this chapter as a commission merchant, dealer, limited dealer, broker, cash buyer, or agent.

**Sec. 2.** RCW 20.01.130 and 1993 sp.s. c 24 s 929 are each amended to read as follows:

All fees and other moneys received by the department under ~~((the provisions of))~~ this chapter shall be paid to the director and ~~((shall be))~~ used solely for the purpose of carrying out ~~((the provisions of))~~ this chapter and the rules adopted ~~((hereunder or for departmental administrative expenses during the 1993-95 biennium))~~ under this chapter. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

**Sec. 3.** RCW 20.01.140 and 1959 c 139 s 14 are each amended to read as follows:

Any change in the organization of any firm, association, exchange, corporation, or partnership licensed under ~~((the provisions of))~~ this chapter shall be reported to the director and the licensee's surety or sureties within thirty days.

**Sec. 4.** RCW 20.01.211 and 1983 c 305 s 5 are each amended to read as follows:

(1) In lieu of the bonding provision required by RCW 20.01.210, any dealer who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to the dealer's maximum monthly purchases, divided by ~~((fifteen))~~ twelve, but the minimum bond ~~((provided by))~~ under this section shall be ((in a minimum of seven thousand five hundred)) no less than ten thousand dollars.

(2) Any dealer using the bonding provisions of this section shall file an affidavit with the director that sets forth the dealer's maximum monthly purchases from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

(3) Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

**Sec. 5.** RCW 20.01.240 and 1986 c 178 s 12 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section,))~~ Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. ((Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

~~((2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.))~~

(2) In the case of a claim against the bond of a commission merchant or dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw or at a date agreed to by both the consignor and commission merchant or dealer in written contract. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw.

(3) Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(4) For claims against a bond that have been filed by consignors prior to the sixty-day deadline established in RCW 20.01.250, the director shall investigate the claims and, within thirty days of verifying the claims, demand payment for the valid claims by the licensee's surety. The director shall distribute the proceeds of the valid bond claims to the claimants on a pro rata basis within the limits of the claims and the availability of the bond proceeds. If a claim is filed after the sixty-day deadline established in RCW 20.01.250, the director may investigate the claim and may demand payment for a valid claim. The director shall distribute the proceeds of any such payment made by the surety to the claimant on a first-to-file, first-to-be-paid basis within the limits of the claim and the availability of any bond proceeds remaining after the pro rata distribution. All distributions made by the director under this subsection are subject to RCW 20.01.260.

**Sec. 6.** RCW 20.01.320 and 1959 c 139 s 32 are each amended to read as follows:

The director on his or her own motion or upon the verified complaint of any interested party may investigate, examine, or inspect (1) any transaction involving solicitation, receipt, sale, or attempted sale of agricultural products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; (2) the failure to make proper and true account of sales and settlement thereof as required under this chapter ((and/or)) or rules ((and regulations)) adopted ((hereunder)) under this chapter; (3) the

intentional making of false statements as to conditions and quantity of any agricultural products received or in storage; (4) the intentional making of false statements as to market conditions; (5) the failure to make payment for products within the time required by this chapter; (6) any and all other injurious transactions. In furtherance of ~~((any))~~ such an investigation, examination, or inspection, the director or ~~((his))~~ an authorized representative~~((s))~~ may examine that portion of the ledgers, books, accounts, memoranda and other documents, agricultural products, scales, measures, and other articles and things used in connection with the business of ~~((such))~~ the person relating to the transactions involved. For the purpose of ~~((such))~~ the investigation the director shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage, and transportation facilities or any other place where agricultural products are kept, stored, handled, or transported. If the director is denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises and records. The court may upon the application issue the search warrant for the purposes requested. The director may also, for the purpose of ~~((such))~~ the investigation, issue subpoenas to compel the attendance of witnesses, as provided in RCW 20.01.170, ~~((and/or))~~ or the production of books or documents, anywhere in the state.

**Sec. 7.** RCW 20.01.410 and 1971 ex.s. c 182 s 12 are each amended to read as follows:

(1) A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to a commission merchant from the consignor thereof when prescribed by the director. A bill of lading may be carried in lieu of a manifest of cargo for an agricultural product other than hay or straw.

(2) Except as provided in subsection (3) of this section, the commission merchant, dealer, or cash buyer of agricultural products shall issue a copy of ~~((such))~~ the manifest or bill of lading to the consignor of ~~((such))~~ the agricultural products and the original shall be retained by the licensee for a period of ~~((one))~~ three years during which time it shall be surrendered upon request to the director. ~~((Such))~~ The manifest of cargo ~~((shall be))~~ is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of ~~((such))~~ the agricultural products.

(3) The commission merchant or dealer of hay or straw shall issue a copy of a manifest to the consignor. The original copy shall be retained by the commission merchant or dealer for a period of three years during which time it shall be surrendered upon request to the director. The manifest of cargo is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of hay or straw.

(4) Manifest forms will be provided to licensees at the actual cost for the manifests plus necessary handling costs incurred by the department.

**Sec. 8.** RCW 20.01.460 and 1989 c 354 s 43 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) With the intent to defraud the consignor, fails to comply with the requirements set forth under RCW 20.01.010(10), 20.01.390, or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410, or 20.01.610 has committed a civil infraction.

(4) Unlawful issuance of a check or draft may be prosecuted under RCW 9A.56.060.

**Sec. 9.** RCW 20.01.490 and 1986 c 178 s 5 are each amended to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed ~~((one))~~ five thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

**Sec. 10.** RCW 20.01.610 and 1986 c 178 s 14 are each amended to read as follows:

The director or ~~((his))~~ appointed officers may stop a vehicle transporting ~~((hay or straw))~~ agricultural products upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may

be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so has committed a civil infraction.

The director and appointed officers shall work to ensure that vehicles carrying perishable agricultural products are detained no longer than is absolutely necessary for a prompt assessment of compliance with this chapter. If a vehicle carrying perishable agricultural products is found to be in violation of this chapter, the director or appointed officers shall promptly issue necessary notices of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and shall allow the vehicle to continue toward its destination without further delay.

**NEW SECTION. Sec. 11.** In recognition of the significant losses incurred by seed producers in the state from a recent seed company bankruptcy and the increasing diversity of and changes in the state's seed industry, the department of agriculture shall conduct a study of alternative methods of reducing the risk of nonpayment of producers from seed company bankruptcies and increasing the financial recovery for seed producers should such bankruptcies occur. The study shall evaluate alternative methods of addressing issues relating to nonpayment of producers, including the potential of establishing an indemnity fund, and how the costs of providing and maintaining such a fund would be borne. The department shall evaluate whether establishing an indemnity fund would be in addition to or as a substitute for any current bonding requirements for various types of seed crops and seed contracts, including bailment contracts. The department shall establish an advisory committee including representatives of producers and seed companies of various types of agricultural seeds grown in this state to assist it in the study.

The department shall report the results of the study, including any recommended legislation in bill form, to the governor and to the appropriate committees of the legislature by December 1, 2003."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.320, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1100 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Linville and Schoesler spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1100 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1100, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1100, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

April 26, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5903 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5903 was returned to Second Reading for purpose of amendments.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Carlson)**

**Providing additional sentencing alternatives for juvenile offenders.**

The bill was read the second time.

Representative Dickerson moved the adoption of the following amendment (541):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 72.05 RCW to read as follows:

(1) It is the intent of the legislature that appropriate treatment services be provided to juvenile offenders in order to achieve rehabilitation. The treatment should be provided at either local detention facilities or at state institutions depending upon which facility best meets the needs of the individual juvenile offender.

(2) No juvenile rehabilitation administration institution shall be closed without specific authorization in an act of the legislature.

(3) If a juvenile rehabilitation administration institution is closed by the legislature, the department of corrections shall be prohibited from operating the institution and the institution shall not be used to incarcerate adult offenders.

**Sec. 2.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
--	-------------------------------	--

**Arson and Malicious Mischief**

Arson 1 (9A.48.020)

B +

A



B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving  
Physical Harm**

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E
B +	Drive-By Shooting (9A.36.045)	C +
D +	Reckless Endangerment (9A.36.050)	E
C +	Promoting Suicide Attempt (9A.36.060)	D +

D +	Coercion (9A.36.070)	E
C +	Custodial Assault (9A.36.100)	D +

### **Burglary and Trespass**

B +	Burglary 1 (9A.52.020)	C +
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

### **Drugs**

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E

B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E

C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D +	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

### **Homicide**

A +	Murder 1 (9A.32.030)	A
A +	Murder 2 (9A.32.050)	B +
B +	Manslaughter 1 (9A.32.060)	C +
C +	Manslaughter 2 (9A.32.070)	D +
B +	Vehicle Homicide (46.61.520)	C +

### **Kidnapping**

A	Kidnap 1 (9A.40.020)	B +
B +	Kidnap 2 (9A.40.030)	C +
C +	Unlawful Imprisonment (9A.40.040)	D +

### **Obstructing Governmental Operation**

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
---	---	---

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1 (9A.76.140) C

C Introducing Contraband 2 (9A.76.150) D

E Introducing Contraband 3 (9A.76.160) E

B + Intimidating a Public Servant (9A.76.180) C +

B + Intimidating a Witness (9A.72.110) C +

#### **Public Disturbance**

C + Riot with Weapon (9A.84.010) D +

D + Riot Without Weapon (9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

#### **Sex Crimes**

A Rape 1 (9A.44.040) B +

A- Rape 2 (9A.44.050) B +

C + Rape 3 (9A.44.060) D +

A- Rape of a Child 1 (9A.44.073) B +

B +	Rape of a Child 2 (9A.44.076)	C +
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D +	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B +	Promoting Prostitution 1 (9A.88.070)	C +
C +	Promoting Prostitution 2 (9A.88.080)	D +
E	O & A (Prostitution) (9A.88.030)	E
B +	Indecent Liberties (9A.44.100)	C +
A-	Child Molestation 1 (9A.44.083)	B +
B	Child Molestation 2 (9A.44.086)	C +
	<b>Theft, Robbery, Extortion, and Forgery</b>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C

C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B +
B +	Robbery 2 (9A.56.210)	C +
B +	Extortion 1 (9A.56.120)	C +
C +	Extortion 2 (9A.56.130)	D +
C	Identity Theft 1 (9.35.020(2)(a))	D
D	Identity Theft 2 (9.35.020(2)(b))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))	D

#### **Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.005)	E
B +	Hit and Run - Death (46.52.020(4)(a))	C +
C	Hit and Run - Injury (46.52.020(4)(b))	D

D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
	<b>Other</b>	
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E



E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ~~(C)~~ C, D, or section 4 of this act.

#### OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

180 WEEKS TO AGE 21 YEARS

A  
+

103 WEEKS TO 129  
WEEKS

A

15-36 52-65 80-100 103-129

A-

WEEKS WEEKS WEEKS

WEEKS

EXCEPT

30-40

WEEKS  
FOR

15-17

YEAR  
OLDS

B 15-36  
+

80-100 103-129  
52-65

Current

Offense

WEEKS

WEEKS WEEKS  
WEEKS

Category

LOCAL

52-65

B

SANCTIONS  
(LS)

15-36  
WEEKS

WEEKS

LS

C  
+

15-36  
WEEKS

LS

15-36  
WEEKS

C

Local Sanctions:

0 to 30 Days

LS  
D  
+ 0 to 12 Months Community  
Supervision

0 to 150 Hours Community  
Restitution

LS \$0 to \$500 Fine  
D

LS

E

1 2 3 4  
or more

0

#### PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

#### **OPTION B** **SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a

witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

- (c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or
- (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR**

**OPTION C  
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION ((C)) D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A ((~~or~~)), B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 3.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection((~~s~~)) (2), (3), ((~~and~~)) (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection((~~s~~)) (2), (3), ((~~and~~)) (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ((C)) D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option ((C)) D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under section 4 of this act.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under section 5 of this act may impose the disposition alternative under section 5 of this act.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

~~((6))~~ (8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ (9) Except as provided under subsection (3) ~~((6))~~, (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ (10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

(1) When an offender is subject to a standard range commitment of 15 to 65 weeks, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and



(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition of not more than 65 weeks, suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

Any charter county with a population of not more than seventy thousand shall establish a pilot program to implement the community commitment disposition alternative contained in this section. The pilot project shall be limited to five beds.

(1) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under this section may impose a community commitment disposition alternative and:

(a) Retain juvenile court jurisdiction over the youth;

(b) Confine the youth in a county detention facility for a period of time not to exceed thirty days; and

(c) Impose a term of postrelease community supervision for up to one year.

If the youth receives a standard range disposition, the court shall set the release date within the standard range. The court shall determine the release date prior to expiration of sixty percent of the juvenile's minimum term of confinement.

(2) The court may impose this community commitment disposition alternative if the court finds the following:

(a) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;

(b) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling; or

(c) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

(3) The court shall consider the youth's offense, prior criminal history, security classification, risk level, and treatment needs and history when determining whether the youth is appropriate for the community commitment disposition alternative. If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure detention while the details of the reintegration program are developed.

(4) Upon approval of the treatment and community reintegration plan, the court may order the youth to serve the term of confinement in one or more of the following placements or combination of placements: Secure detention, an alternative to secure detention such as electronic home monitoring, county group care, day or evening reporting, or home detention. The court may order the youth to serve time in detention on weekends or intermittently. The court shall set periodic reviews to review the youth's progress in the program. At least fifty percent of the term of confinement shall be served in secure detention.

(5) If the youth violates the conditions of the community commitment program, the court may impose sanctions under RCW 13.40.200 or modify the terms of the reintegration plan and order the youth to serve all or a portion of the remaining confinement term in secure detention.

(6) A county may enter into interlocal agreements with other counties to develop joint community commitment programs or to allow one county to send a youth appropriate for this alternative to another county that has a community commitment program.

(7) Implementation of this alternative is subject to available state funding for the costs of the community commitment program, including costs of detention and community supervision.

The Washington association of juvenile court administrators shall submit an interim report on the pilot program established in this section to the legislature and appropriate committees by December 31, 2004, and submit a final report to the legislature and the appropriate committees by June 30, 2005.

This section expires July 1, 2005.

**Sec. 6.** RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are each reenacted and amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option ((C)) D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**NEW SECTION. Sec. 7.** Because model adherence and competent delivery of research-based intervention programs is critical for reducing recidivism, the Washington state institute for public policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in this act. The standards shall be developed and presented to the governor and legislature no later than January 1, 2004. The standards shall include methods for measuring competent delivery of interventions as well as success factors following treatment. The standards shall include, but not be limited to hiring, training and retaining qualified providers, managing and overseeing the delivery of treatment services, and developing quality assurance measures. The department shall utilize these standards to assess program effectiveness. The courts shall also utilize these standards in determining their continued use of these alternatives. The courts shall not continue to use programs that do not comply with these standards.

**NEW SECTION. Sec. 8.** (1) A task force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools, following their conviction.

(2) The task force shall be chaired by the superintendent of public instruction and include a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

(3) The task force shall identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede: (a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and (b) transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection (3).

(4) The task force shall report its findings and recommendations to the governor, the legislature, and the agencies represented on the task force not later than December 1, 2003.

**NEW SECTION. Sec. 9.** Sections 7 and 8 of this act expire December 31, 2003.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Dickerson and Delvin spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5903 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5903, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, as amended by the House, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment, and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter and section 9 of this act unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

**NEW SECTION. Sec. 2. TAX CREDITS--BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES.** (1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

**NEW SECTION. Sec. 3. TAX CREDIT FILING.** (1) Application for tax credit under section 2 of this act may only be made in the form and manner prescribed in rules adopted by the department.

(2) The credit under this section must be taken or deferred under section 4 of this act against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.

(3) Any person who knowingly makes a false statement of a material fact in the application for a credit under section 2 of this act is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 4. TAX CREDIT LIMITATIONS.** (1) The department shall keep a running total of all credits accrued under section 2 of this act during each fiscal year. No person is eligible for tax credits under section 2 of this act if the credits would cause the tabulation for the total amount of credits taken in any fiscal year to exceed two million two hundred fifty thousand dollars. This limitation includes any credits carried forward under subsection (2)(b) of this section from prior years.

(2)(a) No person is eligible for tax credits under section 2 of this act in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b) A person with taxes equal to or in excess of the credit under section 2 of this act, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. A person deferring tax credits under this subsection (2)(b) must submit an application in the year in which the tax credits will be applied. This application is subject to eligibility under subsection (1) of this section for the fiscal year in which the tax credits will be applied.

(3) No person is eligible for tax credits under section 2 of this act in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits deferred in prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits, including deferred credits authorized under subsection (2)(b) of this section, after June 30, 2013.

(5) Credits may not be carried forward or carried backward other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under section 2 of this act if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

**NEW SECTION. Sec. 5. FUND TRANSFER.** (1) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under section 2 of this act during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under section 2 of this act from the multimodal transportation account.

**NEW SECTION. Sec. 6. COMMUTE TRIP REDUCTION REPORTING.** The commute trip reduction task force shall determine the effectiveness of the tax credit under section 2 of this act, the grant program in section 9 of this act, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

**NEW SECTION. Sec. 7. ADMINISTRATION.** Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION. Sec. 8. EXPIRATION.** This chapter expires July 1, 2013, except for section 5 of this act, which expires January 1, 2014.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.94 RCW to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 82.04.4453 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 1, 1996 c 128 s 1, & 1994 c 270 s 2;

(2) RCW 82.04.4454 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 3, 1996 c 128 s 2, & 1994 c 270 s 3;

(3) RCW 82.16.048 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 2, 1996 c 128 s 3, & 1994 c 270 s 4;

(4) RCW 82.16.049 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 4, 1996 c 128 s 4, & 1994 c 270 s 5; and

(5) RCW 47.01.900 (Commute trip reduction program--Transfer from state energy office--References to director or state energy office) and 1998 c 245 s 93 & 1996 c 186 s 301.

**NEW SECTION. Sec. 11.** Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 12.** The code reviser shall place cross- reference sections to chapter 82.-- RCW (sections 1 through 8 of this act) in chapters 82.04 and 82.16 RCW.

**NEW SECTION. Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect on July 1, 2003, but only if Engrossed Substitute House Bill No. 2231 becomes law by July 1, 2003. If Engrossed Substitute House Bill No. 2231 does not become law by July 1, 2003, this act is null and void.

**NEW SECTION. Sec. 14.** Captions used in this act are not part of the law."

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, 82.16.049, and 47.01.900; prescribing penalties; providing a contingent effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Murray spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2228 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2228, as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Armstrong, Chandler, Condotta, DeBolt, Ericksen, Hinkle, Holmquist, Newhouse and Sump - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, as amended by the Senate, having received the constitutional majority, was declared passed.

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

### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5247, By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Esser, Jacobsen, Kastama, Prentice, Oke, Swecker and Schmidt)**

**Authorizing alternative local option fuel taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5247.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5247 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5769, By Senators Horn, Haugen, Swecker, Esser and Kline**

**Authorizing bond authority for regional transportation investment districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5769.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5769 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Boldt, Mastin, McMahan, Mielke and Orcutt - 5.

SENATE BILL NO. 5769, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1165, By Representatives Dunshee and Alexander; by request of Governor Locke**

**Making appropriations and authorizing expenditures for capital improvements.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1165 was substituted for House Bill No. 1165 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1165 was read the second time.

Representative Dunshee moved the adoption of amendment (544):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2005, out of the several funds specified in this act.

**PART 1**



**GENERAL GOVERNMENT**

**NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE  
OFFICE OF THE SECRETARY OF STATE**

Deferred Maintenance Reduction Backlog Projects: Regional Archive (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the changes to the central Washington regional archives HVAC system to upgrade control systems.

Appropriation:

State Building Construction Account--State \$100,000

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$400,000  
TOTAL \$600,000

**NEW SECTION. Sec. 102. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT**

**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000  
Rural Washington Loan Account--Federal \$4,739,295  
Subtotal Reappropriation \$5,297,295

Prior Biennia (Expenditures) \$2,353,072  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,650,367

**NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000  
Rural Washington Loan Account--Federal \$1,581,000  
Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$24,132,000  
TOTAL \$27,613,000

**NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT**

Building for the Arts (00-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the projects listed in section 109, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,963,092

Prior Biennia (Expenditures) \$1,886,908  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,850,000

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Cornish College	Seattle	\$700,000
Velocity dance center	Seattle	\$35,000
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Friends of Gladish	Pullman	\$37,000
Seattle art museum	Seattle	\$700,000
Pratt fine arts center	Seattle	\$700,000
Broadway center	Tacoma	\$400,000
Vashon allied arts	Vashon	\$80,000
Columbia city gallery	Seattle	\$110,000
Lincoln theatre	Mt. Vernon	\$110,000
Squaxin Island museum	Shelton	\$100,000
Historic cooper school	Seattle	\$32,000
Olympic theatre arts	Sequim	\$265,000
S' Klallam longhouse	Kingston	\$200,000
Western Washington center for the arts	Port Orchard	\$165,000
Richland players theatre	Richland	\$51,000
Orcas sculpture park	Eastsound	\$15,000
Subtotal		\$4,000,000
Alternate Projects		
	Everett	\$200,000
Children's museum		

Pacific Northwest ballet	Bellevue	\$268,000
World kite museum	Long Beach	\$32,000
Subtotal		\$500,000
TOTAL		\$4,500,000

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$16,000,000  
TOTAL \$20,000,000

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization Board (CERB) (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 123, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving Account--State \$4,871,748

Prior Biennia (Expenditures) \$1,769,252  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,641,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB) (02-4-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Facility Construction Loan Revolving Account--State \$4,431,000

Prior Biennia (Expenditures) \$1,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,931,000

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for loans to local governments.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$36,718,769  
TOTAL \$48,209,769

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
County Public Facility Construction (00-2-010)

Reappropriation:  
Distressed County Facilities Construction Loan Account--State \$538,989

Prior Biennia (Expenditures) \$3,461,011  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Cancer Research Facility Grant (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation is provided as a grant for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center. The reappropriation must be matched by an equal amount from nonstate sources.  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Fund (01-H-001)

Reappropriation:  
Public Works Assistance Account--State \$93,593,068

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$93,593,068

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Fund (02-4-013)

Reappropriation:  
Public Works Assistance Account--State \$184,479,943

Prior Biennia (Expenditures) \$103,893,068  
Future Biennia (Projected Costs) \$0  
TOTAL \$288,372,911

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State \$261,200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$1,319,499,999  
TOTAL \$1,580,699,999

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fort Vancouver National Historic Reserve (01-S-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,987,248

Prior Biennia (Expenditures) \$12,752  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Chewelah Peak Environmental Learning Center (01-S-003)

Reappropriation:

State Building Construction Account--State \$22,221

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$1,977,779  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,500,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fox Theater Project (01-S-006)

Reappropriation:

State Building Construction Account--State \$688,006

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$1,311,994  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,500,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Des Moines Beach Park - Structure Relocation (01-S-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$246,875

Prior Biennia (Expenditures) \$3,125  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Upper Kittitas County - Emergency Management Service Facility (01-S-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum/I- 90 region.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$908,500

Prior Biennia (Expenditures) \$11,500

Future Biennia (Projected Costs) \$0

TOTAL \$920,000

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

West Central Community Center (01-S-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$25,431

Prior Biennia (Expenditures) \$74,569

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Milton Skate Park (01-H-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$115,537

Prior Biennia (Expenditures) \$1,463

Future Biennia (Projected Costs) \$0

TOTAL \$117,000

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Pierce County Fairgrounds (01-H-017)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$95,125

Prior Biennia (Expenditures) \$54,875

Future Biennia (Projected Costs) \$0

TOTAL \$150,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Coastal Erosion Grants (01-S-019)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the following conditions and limitations:
  - (a) Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.
  - (b) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.
- (2) The appropriation of \$750,000 is for a study to assess the most cost-effective alternatives for addressing erosion at Fort Canby's Benson beach. The study is to be done by the southwest Washington coastal partnership involving local, state, and federal agencies; Grays Harbor county is the lead agency in the administration of this appropriation.

Reappropriation:

State Building Construction Account--State \$583,155

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$666,845

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

City of Grandview Infrastructure Development (02-S-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects: Job Creation and Infrastructure Projects (02-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation shall support the projects as listed in section 202, chapter 238, Laws of 2002 as amended by section 901, chapter 10, Laws of 2003.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,213,000

Prior Biennia (Expenditures) \$10,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$17,213,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of RCW 43.63A.125. The reappropriation shall support the projects in section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,814,000

Prior Biennia (Expenditures) \$2,911,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,725,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (04-4-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

Projects	Location	Recommendation
Assistance league	Everett	\$400,000
Benton affordable housing	Richland	\$25,000
Boys and girls clubs/Pierce county	Tacoma	\$187,500
Boys and girls clubs/Thurston county	Olympia	\$102,175
Catholic community services	Seattle	\$400,000
Children's therapy center	Kent	\$250,000
Eritrean association	Seattle	\$346,000
First AME child/family center	Seattle	\$194,000
Girl scouts/Pacific peaks	DuPont	\$400,000
Hopelink	Carnation	\$201,521
Horizons	Sunnyside	\$175,000
Kent youth/family services	Kent	\$400,000
LIHI	Seattle	\$131,084
Lopez children's center	Lopez	\$220,000
Neighborhood House	Seattle	\$60,000
Opportunity council	Bellingham	\$400,000
Senior services/Seattle King county	Seattle	\$400,000



S' Klallam development fund	Kingston	\$69,000
Southeast Washington center for the deaf	Pasco	\$27,000
St. Anne's childcare center	Spokane	\$400,000
St. James family center	Cathlamet	\$18,000
Valley boys and girls club	Clarkston	\$400,000
Yelm community center	Yelm	\$400,000
YMCA/Snohomish county	Marysville	\$275,000
Youth Orion center	Seattle	\$50,000
		\$5,931,280

TOTAL

Appropriation:

State Building Construction Account--State \$5,931,280

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$16,000,000  
TOTAL \$21,931,280

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (02-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2004, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$7,700,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,700,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2) The state building construction account appropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

Appropriation:

Drinking Water Assistance Account--State \$8,500,000  
State Building Construction Account--State \$4,000,000  
Subtotal Appropriation \$12,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$32,400,000  
TOTAL \$44,900,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

Drinking Water Assistance Account--State \$11,200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,200,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farmworker Housing Assistance (02-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.

(2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses.

(4) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(5) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Reappropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$7,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,000,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) Meeting the conditions and limitations under section 117, chapter 8, Laws of 2001 2nd sp. sess. when combined with the prior biennial expenditures.

(2) The reappropriation in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Reappropriation:

State Taxable Building Construction Account--State \$22,000,000

Prior Biennia (Expenditures) \$35,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$57,500,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

State Taxable Building Construction Account--State \$75,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,000,000

TOTAL \$275,000,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families with Children (02-4-012 and 04-4-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 02-4-012. The appropriation in this section is for project number 04-4-005.

(2) The appropriation and reappropriation in this section are provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Reappropriation:

State Building Construction Account--State \$4,000,000

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$1,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,000,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 205, chapter 238, Laws of 2002.

Reappropriation:

State Building Construction Account--State \$600,000  
Education Construction Account--State \$4,400,000  
Subtotal Reappropriation \$5,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department.
- (2) The appropriation is provided for the following list of projects:

Project	Location	Amount
Art Crate field	Bethel	\$250,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Asotin	\$250,000
Auburn YMCA	Auburn	\$250,000
Bank restoration: Skykomish river	Snohomish county	\$181,000
Bellevue open space enhancement	Bellevue	\$900,000
Bremerton waterfront projects	Bremerton	\$1,000,000
Burke museum	Seattle	\$500,000
Capital arts center and sculpture garden	Olympia	\$250,000
Capitol theatre	Yakima	\$1,000,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Confluence Lewis and Clark	Various	\$3,000,000

Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edmonds center for the arts	Edmonds	\$500,000
Farmers market and maritime park	Bellingham	\$1,000,000
Firstenberg community center	Vancouver	\$500,000
Former capitol historic marker	Olympia	\$2,000
Friends of the falls	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's Hill	Tukwila	\$300,000
Greenbank farm	Whidbey Island	\$1,500,000
Highline historical society	Highline	\$499,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation-city of Raymond	Raymond	\$21,500
Japanese-American memorial	Bainbridge Island	\$2,000,000
McCaw hall	Seattle	\$1,500,000
Naval museum	Bremerton	\$750,000
New Phoebe house	Tacoma	\$25,000
Orting schools evacuation bridge	Orting	\$250,000
Pine lake park phase 2	Sammamish	\$300,000
Rainier historical museum/community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seattle heart alliance	Seattle	\$1,000,000
South Hill community park	Pierce county	\$250,000

South Wenatchee family services center	Wenatchee	\$500,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Thyme Patch park	Seattle	\$5,000
Ustalady beach acquisition	Island county	\$135,000
West Hylebos state park	Federal Way	\$250,000
William Factory business incubator	Tacoma	\$560,000
Wing Luke Asian art museum	Seattle	\$1,500,000
Yakima ball fields	Yakima	\$350,000
Youth development center	Federal Way	\$100,000
TOTAL		\$24,577,500

Appropriation:

State Building Construction Account--State \$24,577,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$24,577,500

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

State Games (04-4-850)

The appropriation in this section is subject to the following conditions and limitations: If the department cannot identify federal funds for this project to the office of financial management by December 1, 2003, this appropriation shall lapse.

Appropriation:

General Fund--Federal \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 137. FOR THE OFFICE OF FINANCIAL MANAGEMENT OFFICE OF FINANCIAL MANAGEMENT**

Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works to address emergent needs for Merrill hall.  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 138. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Budget System Improvements (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the following conditions and limitations in section 147, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$141,000

Prior Biennia (Expenditures) \$59,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Capital Monitoring (04-2-028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management shall review each agency request for project funding for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget with particular emphasis on major projects to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The office of financial management shall pay particular attention to: (a) Whether the construction phase of the project is consistent with the predesign and design when applicable; (b) that the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; (c) that standard measurements such as cost per square foot are reasonable; and (d) that any equipment related to the project is an appropriate capital expenditure. The office of financial management may seek assistance from the department of general administration.

(2) The office of financial management shall consult with state agencies, higher education institutions, and the legislature and recommend criteria for funding equipment in the capital budget. This recommendation shall be made to the legislative fiscal committees by September 1, 2003.

(3) \$150,000 of this appropriation shall be used to conduct a study of the realignment of military forces and alternative uses of the land and facilities currently used by the Washington State military department readiness centers and armories for the Washington army national guard.

Appropriation:

State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
DEPARTMENT OF GENERAL ADMINISTRATION  
East Plaza Repairs (96-1-002)

The reappropriation in this section is subject to the following conditions and limitations: The scope of this project does not include a pedestrian bridge or overpass to or from Office Building Two. No funds from this appropriation or any other appropriation shall be expended for a pedestrian bridge or overpass.

Reappropriation:

State Vehicle Parking Account--State \$18,000,000

Prior Biennia (Expenditures) \$23,567,200  
Future Biennia (Projected Costs) \$12,425,000  
TOTAL \$53,992,200

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Office Building Two Rehabilitation (98-1-007)

The reappropriation in this section is subject to the following conditions and limitations: No funds in this appropriation shall be expended for a pedestrian bridge in the east plaza repairs project (96- 1-002) or in this project.

Reappropriation:

Thurston County Capital Facilities Account--State \$3,771,000

Prior Biennia (Expenditures) \$11,629,000

Future Biennia (Projected Costs) \$0

TOTAL \$15,400,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State 1,001,000

Prior Biennia (Expenditures) \$1,863,065

Future Biennia (Projected Costs) \$19,090,000

TOTAL \$21,954,065

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Heritage Park/Capitol Lake (00-1-007)

Reappropriation:

State Building Construction Account--State \$405,000

Prior Biennia (Expenditures) \$1,362,700

Future Biennia (Projected Costs) \$0

TOTAL \$1,767,700

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Heritage Park (01-H-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used to complete the northeast sector of Heritage park, the area east of Capitol lake and north of the Burlington Northern-Santa Fe railroad tracks, and the hillside located north of the temple of justice.

(2) The department shall give priority to developing the park so that underground utilities are installed, topsoil laid, and grass planted in the northeast sector. No funds are to be used to demolish the existing restroom/storage facility or to build a new facility.

Reappropriation:

Capitol Building Construction Account--State \$976,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$1,124,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,600,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.



Reappropriation:

Capital Historic District Construction Account--State \$68,450,000  
State Building Construction Account--State \$6,000,000  
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State \$2,300,000

Prior Biennia (Expenditures) \$26,031,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$102,781,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Capitol Campus: Infrastructure Preservation (02-1-003)

Reappropriation:

State Building Construction Account--State \$901,000

Prior Biennia (Expenditures) \$849,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,750,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
North Cascades Gateway Center Minor Works (02-1-004)

Reappropriation:

State Building Construction Account--State \$362,000

Prior Biennia (Expenditures) \$488,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$850,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Thurston County Facilities: Preservation (02-1-002)

Reappropriation:

Capitol Building Construction Account--State \$518,000  
State Building Construction Account--State \$1,466,000  
Subtotal Reappropriation \$1,984,000

Prior Biennia (Expenditures) \$12,925,774  
Future Biennia (Projected Costs) \$0  
TOTAL \$14,909,774

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$210,000

Prior Biennia (Expenditures) \$540,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Minor Works - Infrastructure Preservation: Capitol Campus (04-1-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be used for studies.

Appropriation:

State Building Construction Account--State \$2,425,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,425,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Emergency Repairs (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Thurston County Capital Facilities Account--State \$1,100,000  
State Building Construction Account--State \$500,000  
Subtotal Appropriation \$1,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,600,000

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget, 2003 legislative session, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000  
State Building Construction Account--State \$3,909,000  
Thurston County Capital Facilities Account--State \$5,537,000  
Subtotal Appropriation \$9,586,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$9,586,000

**NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Historic Buildings - Exteriors Preservation (04-1-012)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the sole purpose of capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Appropriation:

State Building Construction Account--State \$1,475,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$11,600,000  
TOTAL \$13,075,000

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)

Reappropriation:

Thurston County Capital Facilities Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
State Capitol Master Plan Update (04-2-002)

The appropriation in this section is subject to the following conditions and limitations: The department shall update the state capital master plan. The department and the insurance commissioner shall revise their agreement for the department to study constructing a new building on the capitol campus to house the insurance commissioner and others and incorporate that study into the state master plan update. The \$100,000 the insurance commissioner is providing for that study shall be used for the state capital master plan update under this section.

Appropriation:

Thurston County Capital Facilities Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Minor Works - Facility Preservation: Statewide (04-1-004)

The appropriations in this section are subject to the following conditions and limitations:  
(1) The purpose of this appropriation is to address minor works projects under one million dollars total project cost, regardless of whether the project is completed in one biennia.  
(2) The appropriation shall not be used for studies, surveys, or carpet replacement.

Appropriation:

State Vehicle Parking Account--State \$220,000  
Thurston County Capital Facilities Account--State \$2,055,000  
General Administration Service Account--State \$3,270,000  
Subtotal Appropriation \$5,545,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,545,000

**NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT**  
MILITARY DEPARTMENT  
Bremerton Readiness Center (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$5,100,000  
State Building Construction Account--State \$5,800,000  
Subtotal Reappropriation \$10,900,000

Prior Biennia (Expenditures) \$923,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,823,000

**NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT**  
Combined Support Maintenance Shop (02-2-011)

Reappropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$1,281,000  
Future Biennia (Projected Costs) \$26,544,000  
TOTAL \$28,825,000

**NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT**  
Minor Works to Support Federal Construction Projects (02-1-001)

Reappropriation:

General Fund--Federal \$5,300,000  
State Building Construction Account--State \$1,700,000  
Subtotal Reappropriation \$7,000,000

Prior Biennia (Expenditures) \$5,525,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$12,525,000

**NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT**  
Equipment Management Control Systems (04-2-006)

Appropriation:

State Building Construction Account--State \$365,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$365,000

**NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT**  
Preservation Projects - Statewide (02-1-006)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$235,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$485,000

**NEW SECTION. Sec. 162. FOR THE MILITARY DEPARTMENT**  
Minor Works - Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.

Appropriation:

State Building Construction Account--State \$1,799,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,799,000

**NEW SECTION. Sec. 163. FOR THE MILITARY DEPARTMENT**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 207, chapter 238, Laws of 2002 2nd sp. sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 164. FOR THE MILITARY DEPARTMENT**  
Communication Security - Emergency Management Division-Building No. 20 (04-1-002)

Appropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 165. FOR THE MILITARY DEPARTMENT**  
Minor Works to Support Federal Construction Projects (04-1-003)

Appropriation:

General Fund--Federal \$11,150,000  
State Building Construction Account--State \$2,798,000  
Subtotal Appropriation \$13,948,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,948,000

**NEW SECTION. Sec. 166. FOR THE MILITARY DEPARTMENT**  
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 167. FOR THE STATE CONVENTION AND TRADE CENTER**  
STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center Omnibus Minor Works (04-1-002)

Appropriation:

State Convention and Trade Center Account--State \$2,045,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,045,000

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

Reappropriation:

State Building Construction Account--State \$500,000

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$925,000

Prior Biennia (Expenditures) \$3,369,607  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,794,607

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Green Hill School Redevelopment: 416 Bed Institution (96-2-230)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$50,177,721  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,477,721

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Echo Glen Children's Center - Vocational Education: Construction (98-2-211)**

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department realizes project savings, funds reappropriated in this section may be transferred to infrastructure savings or used for a facilities condition assessment and preservation survey.

Reappropriation:

State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$3,236,667  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,386,667

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Western State Hospital: Legal Offender Unit (98-2-052)**

The appropriations in this section are subject to the following conditions and limitations: The purpose of the appropriations is to complete construction, renovate wards, and demolish North Hall.

Reappropriation:

State Building Construction Account--State \$2,590,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$47,701,751

Future Biennia (Projected Costs) \$0

TOTAL \$51,294,341

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)

Reappropriation:

State Building Construction Account--State \$100,000

Appropriation:

State Building Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$2,741,600

Future Biennia (Projected Costs) \$0

TOTAL \$4,641,600

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

Reappropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$9,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,100,000

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

State Building Construction Account--State \$5,490,000

Prior Biennia (Expenditures) \$525,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,265,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Maple Lane School - Multi-Services Building: Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State \$100,000

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$900,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$24,000,000

Appropriation:

State Building Construction Account--State \$11,158,212

Prior Biennia (Expenditures) \$23,665,000

Future Biennia (Projected Costs) \$0

TOTAL \$58,823,212

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Less Restrictive Alternative: New Building (02-2-075)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$75,000

Prior Biennia (Expenditures) \$3,132,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,207,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Regional SCTF: New 12 Bed Facility (04-2-502)

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Child Care Facilities for Students and State Employees (01-S-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to recapitalize child care facilities grant programs and provide for administration of the program. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

(2) The department may expend up to \$95,000 in the 2003-2005 biennium for administration and contract management.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$500,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

Reappropriation:

State Building Construction Account--State \$70,000

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,450,000



Prior Biennia (Expenditures) \$80,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,600,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide: Omnibus Preservation Projects (02-1-069)

The appropriations in this section are subject to the following conditions and limitations:

(1) No expenditures from the reappropriation should be made for developmental disabilities facilities subject to closure.

(2) \$340,000 of the state building construction account--state reappropriation is to be expended on the oakridge group home for miscellaneous repairs and is contingent upon the office of financial management transferring that amount from infrastructure project: Savings (02-1-053) to this appropriation by June 30, 2003.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,450,000  
State Building Construction Account--State \$2,385,000  
Subtotal Reappropriation \$3,835,000

Prior Biennia (Expenditures) \$2,005,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,840,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide: Omnibus Programmatic Projects (02-2-070)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$385,000  
State Building Construction Account--State \$425,000  
Subtotal Reappropriation \$810,000

Prior Biennia (Expenditures) \$190,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Western State Hospital - Power Plant: Revisions/Smokestack Removal (03-1-012)

Reappropriation:

State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$280,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,080,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Department of Social and Health Services: Capital Project Management (04-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Juvenile Rehabilitation - Acute Mental Health Unit: New Facility (04-2-203)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to complete a predesign and siting study on existing state owned property that addresses the need for a functional program and the optimum size of the program based on forecasted population.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$7,502,000  
TOTAL \$8,402,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Lakeland Village - Cottages: Renovation, Phases 3 and 4 (04-1-402)

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$2,500,000  
TOTAL \$6,500,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Maple Lane School - Steam Plant and Tunnels: Upgrade (04-1-207)

Appropriation:

State Building Construction Account--State \$2,650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,650,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Program: Mental Health (04-2-365)

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Health, Safety, and Code Requirements (04-1-111)

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Facility Preservation (04-1-112)

Appropriation:

State Building Construction Account--State \$4,300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,300,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Infrastructure Preservation (04-1-113)

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide - Emergency Repairs (04-1-116)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide - Hazards Abatement and Demolition (04-1-119)

The appropriation in this section is subject to the following conditions and limitations:  
(1) No more than \$50,000 of this appropriation shall be used for hazardous materials surveys.  
(2) The remainder of the appropriation shall be used to demolish abandoned structures at facilities other than those managed by the division of developmental disabilities as approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**Sec. 228.** 2001 2nd sp.s. c 8 s 209 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital: Legal Offender Unit (98-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ((~~\$2,365,463~~))

\$250,000

Prior Biennia (Expenditures) \$15,330,537

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$17,696,000~~))

\$15,580,537

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF HEALTH DEPARTMENT OF HEALTH Drinking Water Assistance Program (02-4-004)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$5,000,000

Prior Biennia (Expenditures) \$19,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$24,000,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF HEALTH Drinking Water Assistance Program (04-4-003)**

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal \$28,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$28,122,000

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF HEALTH Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)**

Reappropriation:

State Building Construction Account--State \$2,231,485

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,231,485

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF HEALTH Public Health Laboratory: C Wing Remodel (02-2-002)**

Reappropriation:

State Building Construction Account--State \$295,900

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$295,900

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State \$2,355,142

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,355,142

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: E Wing Remodel (02-2-003)

Reappropriation:

State Building Construction Account--State \$295,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$295,000

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
DEPARTMENT OF VETERANS AFFAIRS

Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$520,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$520,000

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$500,000

Appropriation:

General Fund--Federal \$30,730,700  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,691,590  
State Building Construction Account--State \$10,558,410  
Subtotal Appropriation \$42,980,700

Prior Biennia (Expenditures) \$2,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$45,980,700

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Historic District Management Plan (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the completion of an historic district management plan that will address a federal requirement related to demolition of historically significant buildings and other structures as identified by the state historical preservation office.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$40,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$40,000

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Emergency Repairs (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$300,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Infrastructure Savings (04-1-851)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS**  
DEPARTMENT OF CORRECTIONS  
Correctional Industries Space (98-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,368,519

Prior Biennia (Expenditures) \$3,431,481  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,800,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS**  
Coyote Ridge Corrections Center: Expansion (98-2-011)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,054,117

Prior Biennia (Expenditures) \$1,607,834  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,661,951

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS**  
Stafford Creek Corrections Center: Construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,436,433

Prior Biennia (Expenditures) \$191,151,952

Future Biennia (Projected Costs) \$0

TOTAL \$197,588,385

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS**

Local Criminal Justice Facilities (99-2-003)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation from the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

(2) \$500,000 of the state building construction account--state reappropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

General Fund--Federal \$3,019,674

State Building Construction Account--State \$2,668,195

Subtotal Reappropriation \$5,687,869

Prior Biennia (Expenditures) \$1,097,603

Future Biennia (Projected Costs) \$0

TOTAL \$6,785,472

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS**

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal \$672,287

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$94,194

Subtotal Reappropriation \$766,481

Prior Biennia (Expenditures) \$271,521

Future Biennia (Projected Costs) \$0

TOTAL \$1,038,002

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy nutrients in Snohomish county, with the Monroe honor farm being one possible site for such a project. The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site until the department has completed an evaluation of this site for an anaerobic digester and the feasibility of selling or leasing the property to a cooperative venture to construct and operate such a project. The department shall seek the participation of the Tulalip tribes of Washington state, northwest chinook recovery, the Washington state dairy federation, and others in this evaluation, and shall report to the natural resource and fiscal committees of the legislature no later than December 1, 2004.

Reappropriation:

General Fund--Federal \$10,964,679

State Building Construction Account--State \$8,575,906

Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$13,674,031

Prior Biennia (Expenditures) \$1,223,416

Future Biennia (Projected Costs) \$5,100,000

TOTAL \$39,538,032

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Intensive Management Unit Improvements (00-1-025)

Reappropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$4,100,964

Future Biennia (Projected Costs) \$0

TOTAL \$4,600,964

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Corrections Center: Regional Training Center (02-2-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,812,140

Prior Biennia (Expenditures) \$162,860

Future Biennia (Projected Costs) \$0

TOTAL \$2,975,000

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Omnibus Preservation (02-1-015)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,124,489

Prior Biennia (Expenditures) \$494,758

Future Biennia (Projected Costs) \$0

TOTAL \$3,619,247

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Program (02-2-030)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,291,000

Prior Biennia (Expenditures) \$234,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,525,000

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS**  
Olympic Corrections Center: Replace Telecomm System (02-1-041)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,000,000



Prior Biennia (Expenditures) \$406,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,406,000

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS**  
Pine Lodge: Replace Telecommunication System (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$774,944

Prior Biennia (Expenditures) \$362,917  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,139,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS**  
Statewide Intensive Management Unit Repairs (02-1-040)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$1,544,656

Prior Biennia (Expenditures) \$67,344  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,612,000

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Building Water Pipe Replacement Phase 2 (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$2,281,299

Prior Biennia (Expenditures) \$412,701  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,694,000

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Domestic Water System Improvements (02-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$3,300,000

Prior Biennia (Expenditures) \$231,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,531,000

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Replace Steam/Condensate Piping (02-1-006)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,170,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,170,000

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Replace Electrical Supply System (02-1-024)

Reappropriation:

State Building Construction Account--State \$3,729,706

Appropriation:

State Building Construction Account--State \$4,242,715

Prior Biennia (Expenditures) \$331,294  
Future Biennia (Projected Costs) \$4,016,473  
TOTAL \$12,320,188

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)

Reappropriation:

State Building Construction Account--State \$870,000

Prior Biennia (Expenditures) \$200,000  
Future Biennia (Projected Costs) \$2,499,687  
TOTAL \$3,569,687

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS**  
Coyote Ridge Corrections Center: Expand Minimum Security Facility by 210 Beds (03-2-002)

Reappropriation:

State Building Construction Account--State \$2,804,073

Prior Biennia (Expenditures) \$589,927  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,394,000

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Water Tank Replacement (03-1-022)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,394,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,394,000

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)

Appropriation:

State Building Construction Account--State \$4,902,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$980,000  
TOTAL \$5,882,000

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Facility Preservation (04-1-001)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Infrastructure Preservation (04-1-003)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency Repairs (04-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,600,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Appropriation:  
State Building Construction Account--State \$17,809,202

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,809,202

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: North Close Security Compound (04-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Allotment for design is contingent upon the submittal of a scope of work and timeline work plan for ongoing facility master planning by the department of corrections covering all agency institutions.

(2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.

(3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, infrastructure needs, capacity and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity.

(4) Allotment for construction is contingent upon the submittal of a draft system-wide facility master plan for the department of corrections.

Appropriation:

State Building Construction Account--State \$133,940,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$133,940,000

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

**PART 3**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY DEPARTMENT OF ECOLOGY Referendum 38 Water Supply Facilities (74-2-006)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

(4) \$614,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 308 of this act.

Reappropriation:

State Drought Preparedness--State \$614,000

State and Local Improvements Revolving Account

(Water Supply Facilities)--State \$3,716,000

Subtotal Reappropriation \$4,330,000

Prior Biennia (Expenditures) \$13,268,071

Future Biennia (Projected Costs) \$0

TOTAL \$17,598,071

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 38 Water Supply Facilities (02-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the reappropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) The department shall submit a report to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$5,394,000

Prior Biennia (Expenditures) \$606,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contract on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account--State \$49,791,440

Prior Biennia (Expenditures) \$84,039,482

Future Biennia (Projected Costs) \$0

TOTAL \$133,830,922

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

Appropriation:

Local Toxics Control Account--State \$45,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$45,000,000

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal \$10,410,700

Prior Biennia (Expenditures) \$73,083,222

Future Biennia (Projected Costs) \$0

TOTAL \$83,494,002

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**  
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State \$5,255,168

Prior Biennia (Expenditures) \$1,028,898  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,284,066

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**  
Low-level Nuclear Waste Disposal Trench Site Investigation (04-4-010)

Appropriation:

Site Closure Account--State \$1,141,415

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,141,415

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**  
Water Rights Purchase/Lease (99-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Reappropriation:

General Fund--Federal \$1,343,000

Prior Biennia (Expenditures) \$2,145,551  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,488,551

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**  
Water Rights Purchase/Lease (04-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Appropriation:

General Fund--Federal \$1,500,000  
State Drought Preparedness--State \$1,500,000  
Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**  
Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,650,000  
Water Quality Account--State \$3,117,000  
Subtotal Reappropriation \$5,767,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$3,233,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY**

Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State \$2,700,000

Prior Biennia (Expenditures) \$700,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,400,000

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Account--State \$18,083,411

Prior Biennia (Expenditures) \$115,983,563  
Future Biennia (Projected Costs) \$0  
TOTAL \$134,066,974

**NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY**

Water Infrastructure and Conveyance Projects (04-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account appropriation in this section is provided solely for grants to finance water infrastructure and conveyance projects in the sixteen salmon critical basins identified in the statewide strategy to recover salmon. The purpose of this funding is to develop projects for enhanced water supply that resolves conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration.

(2) Priority for the use of these funds must be given to projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plan; or to projects that are part of an approved habitat conservation plan, or other intergovernmental agreement. Projects may precede completion of comprehensive watershed plans if resolution of the conflicts is necessary and the actions are compatible with the long-term planning effort. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

Appropriation:

State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane- Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$1,500,000 of the state building construction--state appropriation is provided for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(5) \$2,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

(6) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

(7) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$22,452,956

Water Quality Account--State \$17,547,044

Subtotal Appropriation \$40,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,000,000

TOTAL \$240,000,000

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$149,099,023

Water Pollution Control Revolving Account--Federal \$39,474,405

Subtotal Reappropriation \$188,573,428

Prior Biennia (Expenditures) \$166,029,368

Future Biennia (Projected Costs) \$0

TOTAL \$354,602,796

**NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State \$66,663,333

Water Pollution Control Revolving Account--Federal \$44,466,666

Subtotal Appropriation \$111,129,999



Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$462,000,000  
TOTAL \$573,129,999

**NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY**  
Water Supply Facilities Program (04-4-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The state building construction account appropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation. The state building construction account-state appropriation is provided solely for expenditure for development of water storage projects in the Yakima river basin, among which the Black Rock reservoir project may be included.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$4,000,000  
State and Local Improvements Revolving Account (Water Supply Facilities)--State \$7,000,000  
Subtotal Appropriation \$11,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,000,000

**NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY**  
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal \$1,472,891  
State Building Construction Account--State \$693,353  
Subtotal Reappropriation \$2,166,244

Appropriation:

General Fund--Federal \$2,417,196  
State Building Construction Account--State \$568,804  
Subtotal Appropriation \$2,986,000

Prior Biennia (Expenditures) \$527,756  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,680,000

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**  
STATE PARKS AND RECREATION COMMISSION  
Lewis and Clark Trail Bicentennial (00-1-010)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,337,000

Prior Biennia (Expenditures) \$600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,837,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Improvement (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations: \$200,000 is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Reappropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$2,750,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,500,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Beacon Rock Pierce Trust (02-3-018)

Reappropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Beacon Rock Pierce Trust (04-2-018)

Appropriation:

Parks Renewal and Stewardship Account--State \$50,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$1,200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Coastal Facility Relocation (02-1-017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 324, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Parks Renewal and Stewardship Account--State \$3,500,000

Prior Biennia (Expenditures) \$584,500  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,084,500

**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Preservation (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:  
State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$4,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Minor Works - Facility Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:  
State Building Construction Account--State \$7,737,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,737,500

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:  
State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$4,569,365  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,069,365

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Cama Beach State Park Development (99-2-001)

Reappropriation:  
Parks Renewal and Stewardship Account--State \$310,000

Prior Biennia (Expenditures) \$690,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facilities Preservation: Statewide (98-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$900,000

Prior Biennia (Expenditures) \$8,784,535

Future Biennia (Projected Costs) \$0

TOTAL \$9,684,532

**NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$3,875,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,200,000

**NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Natural/Historic Stewardship (02-1-006)

Reappropriation:

State Building Construction Account--State \$600,000

Prior Biennia (Expenditures) \$400,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$6,200,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,500,000

**NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Stewardship (04-1-010)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$9,000,000

**NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Park Housing (02-2-008)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Parkland Acquisition Account (02-2-016)

Reappropriation:

Parkland Acquisition Account--State \$1,951,417

Prior Biennia (Expenditures) \$48,583  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Parkland Acquisition (04-2-013)

Appropriation:

Parkland Acquisition Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$9,000,000

**NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Iron Horse Trail (04-2-016)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

State Building Construction Account--State \$262,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$262,500

**NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Recreation Development-Grayland Beach (02-2-007)

Reappropriation:

State Building Construction Account--State \$450,000

Prior Biennia (Expenditures) \$50,000

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Boat Pumpout - Federal Clean Vessel Act (02-2-020)

Reappropriation:

General Fund--Federal \$797,528

Prior Biennia (Expenditures) \$202,472

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)

Appropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL \$5,000,000

**NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Job Creation and Infrastructure (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The legislature does not intent to reappropriate amounts not expended by June 30, 2005.
- (2) The reappropriation shall support the projects as listed in section 211, chapter 238, Laws of 2002.

Reappropriation:

State Building Construction Account--State \$3,100,000

Prior Biennia (Expenditures) \$4,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$8,000,000

**NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Deception Pass State Park Renovation (04-1-019)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for design and permits for park and marine crew area relocation.
- (2) This appropriation shall be held in allotment reserve until the commission completes a predesign and scoping document that describes the park renovation plan in total, including those projects funded through other fund sources.

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$250,000

**NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Emergency Repairs (04-1-012)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$3,200,000  
TOTAL \$3,700,000

**NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Assessment (04-2-011)

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit to the legislature, no later than October 15, 2003, a report regarding the current condition and prospective content of the state parks system for the system's centennial in 2013. The report and its proposals must include the following elements: Lands, facilities, and programs within the current state parks system, park renovation needs, development of new public-use facilities on existing state park lands, the rearranging of park assets for better public use, and how these investments relate to the recreation needs of the state's growing population. The report also is to include a financing strategy including but not limited to private/public resources potentially available for the centennial.

Appropriation:

Parks Renewal and Stewardship Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Recreation Development (04-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the appropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) \$900,000 of the appropriation shall be used to install fee collection stations at selected parks statewide.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$2,900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$10,900,000

**NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Canby Improvements (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: \$750,000 is for the Realvest upland area.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$750,000

**NEW SECTION. Sec. 348. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION  
Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State \$10,020,871

Prior Biennia (Expenditures) \$9,553,140

Future Biennia (Projected Costs) \$0

TOTAL \$19,574,011

**NEW SECTION. Sec. 349. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Program (98-2-004)

Reappropriation:

Firearms Range Account--State \$147,078

Prior Biennia (Expenditures) \$426,591

Future Biennia (Projected Costs) \$0

TOTAL \$573,669

**NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Reappropriated funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.

(2) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

Outdoor Recreation Account--State \$16,226,384

Habitat Conservation Account--State \$3,682,381

Subtotal Reappropriation \$19,908,765

Prior Biennia (Expenditures) \$57,881,867

Future Biennia (Projected Costs) \$0

TOTAL \$77,790,632

**NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 are subject to the following conditions and limitations:

(1) The reappropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

Reappropriation:

Outdoor Recreation Account--State \$15,089,319

Habitat Conservation Account--State \$19,200,926

Subtotal Reappropriation \$34,290,245



Prior Biennia (Expenditures) \$10,709,755  
Future Biennia (Projected Costs) \$0  
TOTAL \$45,000,000

**NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-56, as developed on April 25, 2003. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

Outdoor Recreation Account--State \$18,700,000  
Habitat Conservation Account--State \$26,300,000  
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$120,000,000  
TOTAL \$165,000,000

**NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms and Archery Range Program (FARR) (02-0-001)

Reappropriation:

Firearms Range Account--State \$400,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$400,000

**NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Hatchery Management Program (02-4-009)

Reappropriation:

General Fund--Federal \$9,795,350

Prior Biennia (Expenditures) \$1,404,650  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,200,000

**NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Hatchery Management Program (04-4-010)

Appropriation:

General Fund--Federal \$10,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$40,000,000  
TOTAL \$50,000,000

**NEW SECTION. Sec. 357. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation (LWCF) (02-4-005)

The reappropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the recreation resources account--federal is reappropriated for projects chosen by the interagency committee for outdoor recreation.

Reappropriation:

Recreation Resources Account--Federal \$7,274,772

Prior Biennia (Expenditures) \$225,228  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,500,000

**NEW SECTION. Sec. 358. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (LWCF) (04-4-007)

Appropriation:

General Fund--Federal \$5,735,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,735,000

**NEW SECTION. Sec. 359. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails (NRTP) (98-2-006)

Reappropriation:

Recreation Resources Account--Federal \$307,046

Prior Biennia (Expenditures) \$1,760,568  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,067,614

**NEW SECTION. Sec. 360. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails Program (NRTP) (02-4-006)

Reappropriation:

Recreation Resources Account--Federal \$1,712,706

Prior Biennia (Expenditures) \$420,230  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,132,936

**NEW SECTION. Sec. 361. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails Program (NRTP) (04-4-008)

Appropriation:

General Fund--Federal \$2,260,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$2,260,000

**NEW SECTION. Sec. 362. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities  
Program Account--State \$4,031,006

Prior Biennia (Expenditures) \$7,064,917  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,095,923

**NEW SECTION. Sec. 363. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway Off-Road Vehicle (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway Off-Road Vehicle Activities Program  
Account--State \$4,487,410

Prior Biennia (Expenditures) \$1,040,141  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,527,551

**NEW SECTION. Sec. 364. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$3,000,000 of the appropriation is provided solely for maintenance and operation of state park campgrounds and facilities.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program  
Account--State \$5,932,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$5,932,000

**NEW SECTION. Sec. 365. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

General Fund--Federal \$36,098,600  
Salmon Recovery Account--State \$11,904,213  
Subtotal Reappropriation \$48,002,813

Prior Biennia (Expenditures) \$53,566,576  
Future Biennia (Projected Costs) \$0  
TOTAL \$101,569,389

**NEW SECTION. Sec. 366. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery (02-4-007)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

Reappropriation:

General Fund--Federal \$43,075,104  
State Building Construction Account--State \$21,339,976  
Subtotal Reappropriation \$64,415,080

Prior Biennia (Expenditures) \$10,577,920  
Future Biennia (Projected Costs) \$0  
TOTAL \$74,993,000

**NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,240,000 of the state building construction account--state appropriation is provided solely for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(2) The water quality account--state appropriation in this section is provided solely to assist regional recovery planning efforts statewide. The salmon recovery funding board shall contract with the governor's salmon recovery office to assist regional recovery boards to develop regional recovery plans by June 30, 2005.

Appropriation:

General Fund--Federal \$36,000,000  
State Building Construction Account--State \$16,000,000  
Water Quality Account--State \$700,000  
Subtotal Appropriation \$52,700,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$52,700,000

**NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Program (02-4-001)

Reappropriation:

Recreation Resources Account--State \$6,588,503

Prior Biennia (Expenditures) \$345,510

Future Biennia (Projected Costs) \$0

TOTAL \$6,934,013

**NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Program (BFP) (04-4-003)

Appropriation:

Recreation Resources Account--State \$6,982,959

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,982,959

**NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Infrastructure Grant (BIG) (02-4-010)

Reappropriation:

Recreation Resources Account--State \$1,960,650

Prior Biennia (Expenditures) \$39,350

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Infrastructure Grant Program (BIG) (04-4-009)

Appropriation:

General Fund--Federal \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Family Forest Fish Blockages Program (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 366 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(3) The committee may not expend more than \$100,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 373. FOR THE STATE CONSERVATION COMMISSION**  
STATE CONSERVATION COMMISSION  
Skykomish Flood Mitigation Project (01-H-013)

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$318,000

Future Biennia (Projected Costs) \$0

TOTAL \$618,000

**NEW SECTION. Sec. 374. FOR THE STATE CONSERVATION COMMISSION**  
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 375. FOR THE STATE CONSERVATION COMMISSION**  
Dairy Nutrient Management Grants Program (02-4-002)

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

State Building Construction Account--State \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,950,000

**NEW SECTION. Sec. 376. FOR THE STATE CONSERVATION COMMISSION**  
Puget Sound District Grants (02-4-003 and 04-4-005)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-003. The appropriation is for project number 04-4-005.

Reappropriation:

Water Quality Account--State \$150,000

Appropriation:

Water Quality Account--State \$840,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,680,000

**NEW SECTION. Sec. 377. FOR THE STATE CONSERVATION COMMISSION**  
Water Quality Grants Program (02-4-001 and 04-4-002)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-4-002.

Reappropriation:

State Building Construction Account--State \$750,000

Appropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,250,000

**NEW SECTION. Sec. 378. FOR THE STATE CONSERVATION COMMISSION**  
Columbia Basin Groundwater Management Program (04-4-850)

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish Screens (01-H-011)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by these appropriations may be used to match federal funds appropriated under HR 1444, the fisheries restoration and irrigation mitigation act of 2000.

Reappropriation:

State Building Construction Account--State \$1,000,000

General Fund--Federal \$500,000

Subtotal Reappropriation \$1,500,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Code Compliance and Protection (02-1-005)

The reappropriations in this section are subject to the following conditions and limitations: This section reappropriates a portion of the appropriations made in section 389, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$506,700

State Building Construction Account--State \$350,000

Subtotal Reappropriation \$856,700

Prior Biennia (Expenditures) \$2,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,856,700

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Commercial and Recreational Customer Satisfaction Improvements (02-2-006)

Reappropriation:

Warm Water Game Fish Account--State \$505,000

Wildlife Account--State \$500,000  
Subtotal Reappropriation \$1,005,000

Prior Biennia (Expenditures) \$55,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,060,000

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Diverse Fish and Wildlife Population Health and Protection (02-2-004)

Reappropriation:  
State Building Construction Account--State \$190,000  
Wildlife Account--State \$1,045,000  
Subtotal Reappropriation \$1,235,000

Prior Biennia (Expenditures) \$6,015,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,250,000

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
ESA Compliance on Agency Lands (02-2-002)

Reappropriation:  
State Building Construction Account--State \$650,000

Prior Biennia (Expenditures) \$350,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Facility and Infrastructure Standards and Renovations (02-1-009)

The reappropriations in this section are subject to the following conditions and limitations: The department shall expend the reappropriated funds as detailed in section 390, chapter 8, Laws of 2001 2nd sess.

Reappropriation:  
Aquatic Lands Enhancement Account--State \$150,000  
State Building Construction Account--State \$3,290,000  
Wildlife Account--State \$250,000  
Subtotal Reappropriation \$3,690,000

Prior Biennia (Expenditures) \$8,931,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$12,621,000

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$400,000 of the state building construction account--state appropriation is for Nasalle hatchery.  
(2) \$1,300,000 of the state building construction account--state appropriation is for the Tokul creek hatchery.

Appropriation:  
General Fund--Federal \$600,000  
State Building Construction Account--State \$5,575,000  
Subtotal Appropriation \$6,175,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0



TOTAL \$6,175,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Opportunity Improvements (04-2-006)

Appropriation:

Warm Water Game Fish Account--State \$550,000  
Wildlife Account--State \$1,500,000  
Subtotal Appropriation \$2,050,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,050,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)

Reappropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$300,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Partnership Improvements with Internal and External Customers (02-2-008)

The reappropriations in this section are subject to the following conditions and limitations: Expenditures of the reappropriation in this section for fencing must comply with chapter 16.60 RCW.

Reappropriation:

Aquatic Lands Enhancement Account--State \$30,000  
State Building Construction Account--State \$150,000  
Game Special Wildlife Account--Federal \$400,000  
Subtotal Reappropriation \$580,000

Prior Biennia (Expenditures) \$3,695,400  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,275,400

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Culvert Replacement for Fish Passage (03-S-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Reappropriation:

State Building Construction Account--State \$420,000

Prior Biennia (Expenditures) \$80,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$970,000

Prior Biennia (Expenditures) \$2,070,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,040,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Watchable Fish and Wildlife Recreation Sites (02-2-007)

Reappropriation:

Wildlife Account--State \$995,076

Prior Biennia (Expenditures) \$4,924

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Fish and Wildlife Population and Habitat Protection (04-1-002)

Appropriation:

General Fund--Federal \$2,830,000

General Fund--Private/Local \$3,500,000

State Building Construction Account--State \$5,300,000

Wildlife Account--State \$1,200,000

Subtotal Appropriation \$12,830,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,830,000

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

Appropriation:

General Fund--Federal \$4,500,000

General Fund--Private/Local \$1,500,000

State Building Construction Account--State \$6,000,000

Subtotal Appropriation \$12,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,000,000

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal \$4,000,000

General Fund--Private/Local \$2,000,000

Game Special Wildlife Account--State \$50,000

Game Special Wildlife Account--Federal \$400,000

Game Special Wildlife Account--Private/Local \$50,000

Subtotal Appropriation \$6,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$6,500,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Washington Department of Fish and Wildlife Energy Savings (04-1-016)

Appropriation:  
State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Wind Power Mitigation (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:  
State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Youth Sport Fishing Program (04-2-017)

Appropriation:  
Wildlife Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
DEPARTMENT OF NATURAL RESOURCES Forest Legacy (00-2-020 and 02-2-015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation provides \$184,309 for project number 00-2-020 and \$4,200,000 for project number 02-2-015.

Reappropriation:  
General Fund--Federal \$4,384,309

Prior Biennia (Expenditures) \$2,885,691  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,270,000

**NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works (02-2-001)

Reappropriation:  
Forest Development Account--State \$256,230  
Resources Management Cost Account--State \$482,466

State Building Construction Account--State \$455,575  
Agricultural College Trust Management Account--State \$68,950  
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,270,000

**NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Marine Station Public Access (02-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State \$65,000

Prior Biennia (Expenditures) \$110,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$175,000

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Agricultural Asset Preservation (04-1-017)

Appropriation:

Resource Management Cost Account--State \$100,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$100,000

**NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The department shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

Aquatic Lands Enhancement Account--State \$1,485,269

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,485,269

**NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (02-4-018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

Reappropriation:

Aquatic Lands Enhancement Account--State \$3,630,075

Prior Biennia (Expenditures) \$1,934,925  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,565,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (04-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on April 14, 2003.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2005-2007 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. This process must be coordinated with the salmon recovery funding board selection process. The list of projects must be submitted to the office of financial management by September 15, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$5,356,400

Prior Biennia (Expenditures) \$12,622,319

Future Biennia (Projected Costs) \$22,000,000

TOTAL \$39,978,719

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Commercial Development/Local Improvement Districts (04-2-009)

Appropriation:

Resource Management Cost Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Communication Site Repairs (04-1-024)

Appropriation:

Forest Development Account--State \$50,000

Resource Management Cost Account--State \$150,000

Subtotal Appropriation \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State \$96,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$96,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Forest Legacy (04-2-015)

Appropriation:

General Fund--Federal \$6,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Hazardous Waste Removal (04-1-006)

Appropriation:

Forest Development Account--State \$25,000  
Resource Management Cost Account--State \$25,000  
Subtotal Appropriation \$50,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,000

**NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Land Bank (04-2-013)

Appropriation:

Resource Management Cost Account--State \$5,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Marine Station Public Access (04-2-019)

Appropriation:

Aquatic Lands Enhancement Account--State \$100,000

Prior Biennia (Expenditures) \$175,000  
Future Biennia (Projected Costs) \$1,500,000  
TOTAL \$1,775,000

**NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works - Health, Safety, and Code (04-2-001)

Appropriation:

Forest Development Account--State \$133,400  
Resource Management Cost Account--State \$232,000  
Agricultural College Trust Management Account--State \$29,000  
Subtotal Appropriation \$394,400

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$394,400

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mobile Radio System Upgrade (04-2-022)

The appropriations in this section are subject to the following conditions and limitations: The department shall study and evaluate options for a comprehensive user fee system that equally distributes the cost to operate, maintain, and capitalize the radio system to all users on the network. The study must include an evaluation of a user fee system based on access to the network and not on radio inventory. The department shall report the study's findings and recommendations to the office of financial management by September 15, 2003.

Appropriation:

Forest Development Account--State \$227,400  
Resource Management Cost Account--State \$386,500  
State Building Construction Account--State \$1,659,800  
Subtotal Appropriation \$2,273,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,273,700

**NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Area Facilities Preservation (04-1-016)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that fully support the maintenance, operation, and capitalization of its natural area preserve facilities. This study must be submitted to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$185,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$185,000

**NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Resource Real Property Replacement (04-2-012)

Appropriation:

Natural Resources Real Property Replacement  
Account--State \$20,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,000,000

**NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Trust Land Transfer Program (04-2-851)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-24, as developed on April 14, 2003.

Appropriation:

State Building Construction Account--State \$55,000,000  
Natural Resources Real Property Replacement  
Account--State \$11,000,000  
Subtotal Appropriation \$66,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$250,000,000  
TOTAL \$316,000,000

**NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Real Estate Repair, Maintenance, and Tenant Improvements (04-1-005)

Appropriation:

Resource Management Cost Account--State \$1,200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,200,000

**NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Recreation Facilities Preservation (04-1-011)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that will fully support the maintenance, operation, and capitalization of its recreational facilities to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$225,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$225,000

**NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Right of Way Acquisition (04-2-007)

Appropriation:

Forest Development Account--State \$100,000  
Resource Management Cost Account--State \$400,000  
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Riparian Open Space Program (04-2-023)

The appropriations in this section are subject to the following conditions and limitations:



- (1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.
- (2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.
- (3) The resource management cost account--state appropriation is solely for a riparian inventory system.

Appropriation:

State Building Construction Account--State \$1,000,000  
Resource Management Cost Account--State \$1,500,000  
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Statewide Estuarine Restoration Projects (04-2-021)

Appropriation:

Aquatic Lands Enhancement Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Wetland Grants (04-2-004)

Appropriation:

General Fund--Federal \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Family Forest Fish Blockages (04-4-851)

Appropriation:

State Building Construction Account--State \$1,250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,250,000

**NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE**  
Agriculture Water Infrastructure/Conveyance Projects (04-1-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for the development, implementation, and support of comprehensive irrigation district management plan pilot projects. The appropriation may be used for early action projects that are identified in the comprehensive irrigation district management plan process.

(2) The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF AGRICULTURE**  
DEPARTMENT OF AGRICULTURE  
Fair Improvements (04-4-850)

Appropriation:  
State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**PART 4**  
**TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**  
WASHINGTON STATE PATROL  
Seattle Toxicology Lab (00-2-009)

Appropriation:  
State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$12,059,864  
Future Biennia (Projected Costs) \$1,655,000  
TOTAL \$14,514,864

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**  
Minor Works - Facility Preservation: Fire Training Academy (04-1-001)

Appropriation:  
State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**  
Spokane Crime Laboratory Construction (02-2-013)

Appropriation:  
State Building Construction Account--State \$7,365,000

Prior Biennia (Expenditures) \$635,000  
Future Biennia (Projected Costs) \$4,000,000  
TOTAL \$12,000,000

**NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF TRANSPORTATION**  
DEPARTMENT OF TRANSPORTATION  
Columbia River Dredging (03-H-001)

The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:  
State Building Construction Account--State \$17,700,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,700,000

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION**  
STATE BOARD OF EDUCATION  
School Construction Assistance Grants (02-4-001)

The reappropriations in this section are for project numbers 00-2-001, 00-2-002, and 02-04-001.

Reappropriation:  
State Building Construction Account--State \$36,946  
Common School Construction Account--State \$246,000,000  
Subtotal Reappropriation \$246,036,946

Prior Biennia (Expenditures) \$645,475,724  
Future Biennia (Projected Costs) \$0  
TOTAL \$891,512,670

**NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION**  
State Bonds for Common School Construction

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for deposit into the common school construction account--state for school construction assistance grants.

Appropriation:  
State Building Construction Account--State \$27,000,000  
State Education Building Construction Account--State \$100,000,000  
Subtotal Appropriation \$127,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$200,000,000  
TOTAL \$327,000,000

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION**  
School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:  
(1) \$200,000 of the appropriation is provided solely to fund up to two FTEs in the office of the state fire marshal to exclusively review K-12 construction documents, provide on-site construction inspections, and final acceptance inspections for fire and life safety in accordance with the state building code. These services shall only be provided to those districts that are located in counties without qualified review and inspection capabilities and who request such services.  
(2) \$100,000 of the appropriation shall be held in reserve for a study on space and cost requirements in the K-12 school construction program. The office of financial management shall release the funds to the state board of education after the development and acceptance of a study outline that does not replicate previous studies. In the event that no study is conducted, the funds shall lapse.  
(3) \$28,000,000 of the appropriation shall be used by the board to increase area cost allowance in the board's formula for distribution of grants to school districts by \$10.44 in fiscal year 2004 and an additional \$10.44 in fiscal year 2005.  
(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 602 of this act.

Appropriation:  
Common School Construction Account--State \$393,200,408

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,765,823,833  
TOTAL \$2,184,024,241

**NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION**  
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,750,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K- 12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards.

(2) Up to \$150,000 of this appropriation shall be used to:

(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;

(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;

(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;

(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,900,000

**NEW SECTION. Sec. 605. FOR THE STATE BOARD OF EDUCATION**  
Highline School District Airport Noise Abatement (04-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for noise abatement related construction in the Highline school district. The board shall enter into an interagency agreement with the department of community, trade, and economic development to administer the appropriation in this subsection on behalf of the board. The port of Seattle, Highline school district, and the federal aviation administration must each match this state appropriation before the state appropriation may be used; the match and allotment may be done on an annual basis. The department's policies for local/community projects shall apply to this project.

Appropriation:

State Building Construction Account--State \$10,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION**  
Port Angeles School District North Olympic Skill Center (04-4-852)

The appropriation in this section is subject to the following conditions and limitations: This appropriation completes the state contribution to this project.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$3,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 607. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
SUPERINTENDENT OF PUBLIC INSTRUCTION State School Construction Assistance Program Staff (02-4-001 and 04-2-001)

The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-2-001.

Reappropriation:

Common School Construction Account--State \$150,000

Appropriation:

Common School Construction Account--State \$2,101,433

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,251,433

**NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND**  
STATE SCHOOL FOR THE BLIND

Ahlsten: Material Center and Braille Production (02-2-003)

Reappropriation:

State Building Construction Account--State \$1,084,179

Prior Biennia (Expenditures) \$1,257,009  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,341,278

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND**  
Campus Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$401,426

Prior Biennia (Expenditures) \$198,574  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE BLIND**  
Distance Learning Center/Covered Play Area (02-2-004)

Reappropriation:

State Building Construction Account--State \$2,213,226

Prior Biennia (Expenditures) \$575,774  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,789,000

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND**  
Irwin: Old Main, Kennedy, and Dry Building Preservation (02-1-001)

Reappropriation:

State Building Construction Account--State \$233,555

Prior Biennia (Expenditures) \$1,747,445  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,981,000

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND**  
Boiler House Renovation/Electrical Vault Replacement (04-1-001)

Appropriation:

State Building Construction Account--State \$668,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$668,000

**NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE BLIND**  
Minor Works - Facility Preservation (04-1-004)

Appropriation:

State Building Construction Account--State \$770,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$2,830,000  
TOTAL \$3,600,000

**NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE BLIND**  
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

Appropriation:

State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,279,000

**NEW SECTION. Sec. 615. FOR THE UNIVERSITY OF WASHINGTON UNIVERSITY OF WASHINGTON**  
UW Law School Building (94-2-017)

Reappropriation:

Higher Education Construction Account--State \$6,600,000  
Higher Education Non-Proprietary Local Capital Accounts--Private/Local \$3,400,000  
Subtotal Reappropriation \$10,000,000

Prior Biennia (Expenditures) \$64,855,500  
Future Biennia (Projected Costs) \$0  
TOTAL \$74,855,500

**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$34,635,933  
Future Biennia (Projected Costs) \$0  
TOTAL \$37,635,933

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State \$4,450,000

Prior Biennia (Expenditures) \$1,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,950,000

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**  
UW Emergency Power Expansion: Phase 1 (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$6,000,000

Prior Biennia (Expenditures) \$5,700,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,700,000

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**  
Emergency Power Expansion Phase 2 (02-2-024)

Appropriation:

State Building Construction Account--State \$3,500,000  
University of Washington Building Account--State \$2,500,000  
Subtotal Appropriation \$6,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,461,000  
TOTAL \$14,461,000

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**  
UW Life Sciences II Building (02-2-028)

The reappropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Reappropriation:

Higher Education Construction Account--State \$29,025,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$40,000,000  
TOTAL \$69,025,000

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**  
UW Minor Repairs Programs (02-1-026)

The reappropriation in this section is subject to the following conditions and limitations: The University of Washington shall provide \$19,000,000 in local nonappropriated funds for this project.

Reappropriation:

State Building Construction Account--State \$520,000

Prior Biennia (Expenditures) \$480,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**  
UW Special Projects: Code Requirements (02-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Campus Phase 2B (02-2-027)

Reappropriation:

State Building Construction Account--State \$35,000,000

Prior Biennia (Expenditures) \$9,349,000

Future Biennia (Projected Costs) \$0

TOTAL \$44,349,000

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**  
UW Urgent Deferred Renewal/Modernization (02-1-031)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$1,500,000

Education Construction Account--State \$4,000,000

Subtotal Reappropriation \$5,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,500,000

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**  
UW Bothell Phase 2B Offramp (02-2-014)

The appropriations in this section are subject to the following conditions and limitations: The appropriation is subject to:

(1) The university agrees to repay the general fund--state from local UW Bothell revenues for debt service on the bonds issued to support this project.

(2) If at least \$8,000,000 is not appropriated in the 2003-05 omnibus transportation budget by June 30, 2003, for the UW Bothell/Cascadia Community College phase 2B offramp, this appropriation shall lapse.

Reappropriation:

State Building Construction Account--State \$2,390,000

Appropriation:

University of Washington Building Account--State \$4,000,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,500,000

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations of section 218, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.



Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$2,100,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**  
UW Campus Communications Infrastructure (04-1-011)

Appropriation:

Education Construction Account--State \$3,000,000

State Building Construction Account--State \$2,000,000

Subtotal Appropriation \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

**NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON**  
Guggenheim Hall Renovation (02-1-003)

Appropriation:

State Building Construction Account--State \$3,312,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$23,000,948

TOTAL \$26,312,948

**NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON**  
HSC H Wing: Infrastructure (03-1-001)

The appropriation in this section is subject to the following conditions and limitations: The purpose of the appropriation is to design building and infrastructure systems improvements in the H-wing of the Warren G. Magnuson health sciences center.

Appropriation:

State Building Construction Account--State \$4,996,716

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,996,716

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Program (04-2-004)

The appropriation in this section is subject to the following conditions and limitations: The University of Washington shall provide an additional \$10,000,000 in local nonappropriated funds for this project.

Appropriation:

University of Washington Building Account--State \$10,000,000

State Building Construction Account--State \$2,899,000

Subtotal Appropriation \$12,899,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,899,000

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**  
Architecture Hall Renovation (02-1-008)

Appropriation:

State Building Construction Account--State \$2,634,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$17,643,943  
TOTAL \$20,281,943

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**  
UW Johnson Hall Renovation (04-1-005)

Appropriation:

State Education Building Construction Account--State \$53,055,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$53,055,000

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-851)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$19,700,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$19,700,000

**NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Facility Preservation (04-1-031)

The appropriation in this section is subject to the following conditions and limitations: The University of Washington shall provide and additional \$10,000,000 in local nonappropriated funds for this project.

Appropriation:

State Building Construction Account--State \$13,500,000  
University of Washington Building Account--State \$9,000,000  
Subtotal Appropriation \$22,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$22,500,000

**NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 636. FOR WASHINGTON STATE UNIVERSITY** WASHINGTON STATE UNIVERSITY WSU Pullman: Murrow Hall Addition - New Facility (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$8,560,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,560,000

**NEW SECTION. Sec. 637. FOR WASHINGTON STATE UNIVERSITY** WSU Pullman: Education Addition Cleveland Hall (98-2-032)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$1,540,000

Future Biennia (Projected Costs) \$11,160,000

TOTAL \$12,950,000

**NEW SECTION. Sec. 638. FOR WASHINGTON STATE UNIVERSITY** WSU Pullman: Johnson Hall Addition - Plant Bioscience Building (00-2-007)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State \$1,200,000

Appropriation:

State Education Building Construction Account--State \$35,200,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$37,800,000

**NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY** WSU Pullman: Shock Physics Building (00-2-080)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$500,000

Prior Biennia (Expenditures) \$11,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,400,000

**NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY** WSU Vancouver: Engineering and Life Sciences Building (00-2-904)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$26,470,650

Future Biennia (Projected Costs) \$0

TOTAL \$29,470,650

**NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver: Student Services Center (00-2-905)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$950,000

Prior Biennia (Expenditures) \$605,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,555,000

**NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman: Campus Infrastructure - Preservation (02-1-073)

The reappropriations in this section are subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,000,000

State Building Construction Account--State \$1,600,000

Subtotal Reappropriation \$2,600,000

Prior Biennia (Expenditures) \$8,130,841

Future Biennia (Projected Costs) \$10,730,841

TOTAL \$21,461,682

**NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman: Energy Plant (02-1-501)

Reappropriation:

State Building Construction Account--State \$14,500,000

Prior Biennia (Expenditures) \$10,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$24,500,000

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman: Minor Capital Improvements (MCI) (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,300,000

Prior Biennia (Expenditures) \$4,700,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver: Multimedia/Electronic Communication Classroom Building (02-2-907)

No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,400,000

Future Biennia (Projected Costs) \$0

TOTAL \$15,900,000

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**

WSU Branch Campuses: Minor Campus Projects (00-1-901)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$300,000

Prior Biennia (Expenditures) \$700,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Preservation (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$200,000

Prior Biennia (Expenditures) \$2,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Safety (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$800,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

2002. (1) The reappropriation is subject to the conditions and limitations in section 219, chapter 238, Laws of  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$2,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works: Facility Preservation - Statewide (04-1-901)

Appropriation:

Washington State University Building Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$5,105,100

TOTAL \$6,105,100

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**  
Prosser Multipurpose Building (04-2-942)

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman: Biomedical Sciences Facility (04-2-009)

Appropriation:

Washington State University Building Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$32,715,000

TOTAL \$32,965,000

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman: Biotechnology/Life Sciences 1 (04-2-085)

Appropriation:

Washington State University Building Account--State \$3,000,000

State Building Construction Account--State \$2,500,000

Subtotal Appropriation \$5,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$3,500,000

TOTAL \$9,000,000

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Infrastructure Preservation: Pullman (04-1-073)

Appropriation:

State Building Construction Account--State \$9,521,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,000,000

TOTAL \$21,521,000

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman: Equipment Omnibus Appropriation (04-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university. The appropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Appropriation:

Washington State University Building Account--State \$8,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,000,000

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman: Hospital Renovation (04-2-058)

Appropriation:

Washington State University Building Account--State \$300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**

Minor Works - Program: Pullman (04-2-002)

Appropriation:

Washington State University Building Account--State \$7,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,500,000

**NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY**

Minor Works - Facility Preservation: Pullman (04-1-004)

Appropriation:

State Building Construction Account--State \$3,775,000

Washington State University Building Account--State \$4,225,000

Subtotal Appropriation \$8,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,000,000

**NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY**

Minor Works - Health, Safety, and Code: Pullman (04-1-001)

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman: WSUnet Infrastructure (04-2-074)

Appropriation:

Washington State University Building Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$20,420,400  
TOTAL \$24,420,400

**NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY**  
WSU TriCities: Bioproducts and Sciences Building (04-2-940)

Appropriation:

Washington State University Building Account--State \$900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$35,199,000  
TOTAL \$36,099,000

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-851)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$8,050,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,050,000

**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY**  
Wastewater Reclamation Project (04-1-852)

Appropriation:

State Building Construction Account--State \$6,713,000  
Education Construction Account--State \$4,000,000  
Subtotal Appropriation \$10,713,000



Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,713,000

**NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY**  
EASTERN WASHINGTON UNIVERSITY  
EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)

Reappropriation:

State Building Construction Account--State \$1,675,000

Appropriation:

State Education Building Construction Account--State \$19,000,482

Prior Biennia (Expenditures) \$2,225,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$21,225,482

**NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Campus Network Upgrade (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Classroom Renewal (02-2-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$775,000  
Eastern Washington University Capital Projects Account--State \$75,000  
Subtotal Reappropriation \$850,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$850,000

**NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Infrastructure Preservation (02-1-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$3,600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Roof Replacement (02-1-004)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$4,794,000  
Future Biennia (Projected Costs) \$6,000,000  
TOTAL \$11,044,000

**NEW SECTION. Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Water System Preservation and Expansion (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,250,000

Prior Biennia (Expenditures) \$986,000  
Future Biennia (Projected Costs) \$7,500,000  
TOTAL \$9,736,000

**NEW SECTION. Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Minor Works: Preservation (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$600,000  
Eastern Washington University Capital Projects Account--State \$1,250,000  
Subtotal Reappropriation \$1,850,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,850,000

**NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Minor Works: Program (02-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Eastern Washington University Capital Projects Account--State \$600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Classroom Renewal (04-2-013)

Appropriation:

Eastern Washington University Capital Projects Account--State \$691,325

Prior Biennia (Expenditures) \$3,016,000  
Future Biennia (Projected Costs) \$9,200,000  
TOTAL \$12,907,325

**NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code (04-1-850)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (04-1-006)

Appropriation:

State Building Construction Account--State \$3,950,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,950,000

**NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (04-1-012)

Appropriation:

State Building Construction Account--State \$1,172,518  
Eastern Washington University Capital Projects Account--State \$4,000,000  
Education Construction Account--State \$1,000,000  
Subtotal Appropriation \$6,172,518

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,172,518

**NEW SECTION. Sec. 677. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works - Program (04-2-017)

Appropriation:

Eastern Washington University Capital Projects Account--State \$650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$650,000

**NEW SECTION. Sec. 678. FOR EASTERN WASHINGTON UNIVERSITY**  
Roof Replacements (04-1-024)

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$2,844,000  
Future Biennia (Projected Costs) \$3,750,000  
TOTAL \$7,344,000

**NEW SECTION. Sec. 679. FOR EASTERN WASHINGTON UNIVERSITY**  
Senior Hall Renovation (00-1-003)

The appropriations in this section are subject to the following conditions and limitations: This appropriation is for phase one of a proposed two phase project. The legislature is not committing to funding phase two of the project.

Reappropriation:

State Building Construction Account--State \$730,000

Appropriation:

State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$581,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,311,000

**NEW SECTION. Sec. 680. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU University Visitor Center and Formal Entry (04-2-010)

Appropriation:

Eastern Washington University Capital Projects Account--State \$975,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$975,000

**NEW SECTION. Sec. 681. FOR EASTERN WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-852)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$1,650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,650,000

**NEW SECTION. Sec. 682. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-851)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY**  
CENTRAL WASHINGTON UNIVERSITY  
Music Education Facility (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: Allowable expenditure for equipment is limited to \$2,400,000 and does not include moving costs, small musical instruments, vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

Education Construction Account--State \$13,022,619

Appropriation:

State Building Construction Account--State \$12,600,000

Prior Biennia (Expenditures) \$977,381

Future Biennia (Projected Costs) \$0  
TOTAL \$26,600,000

**NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY**  
CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:  
State Building Construction Account--State \$2,500,000  
Appropriation:  
State Education Building Construction Account--State \$8,000,000

Prior Biennia (Expenditures) \$75,000  
Future Biennia (Projected Costs) \$1,600,000  
TOTAL \$12,175,000

**NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY**  
McConnell Stage Remodel (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$1,748,000

Prior Biennia (Expenditures) \$352,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,100,000

**NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY**  
Omnibus: Preservation (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
Central Washington University Capital Projects Account--State \$568,320

Prior Biennia (Expenditures) \$3,206,680  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,775,000

**NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY**  
Omnibus: Program (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) \$350,000 of this reappropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
Central Washington University Capital Projects Account--State \$1,206,047

Prior Biennia (Expenditures) \$2,193,953  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,400,000

**NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY**  
Randall/Michaelsen Life Safety (02-1-003)

Reappropriation:

Education Construction Account--State \$3,295,909

Prior Biennia (Expenditures) \$504,091  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,800,000

**NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY**  
Dean Hall: Walnut Mall Utility Upgrade (04-1-002)

Appropriation:

Education Construction Account--State \$1,000,000  
State Building Construction Account--State \$560,000  
Subtotal Appropriation \$1,560,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$40,528,000  
TOTAL \$42,088,000

**NEW SECTION. Sec. 690. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (04-2-028)

Appropriation:

Central Washington University Capital Projects Account--State \$3,914,400

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,914,400

**NEW SECTION. Sec. 691. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Facility Preservation (04-1-026)

Appropriation:

Central Washington University Capital Projects Account--State \$1,163,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,163,500

**NEW SECTION. Sec. 692. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code (04-1-025)

Appropriation:

Central Washington University Capital Projects Account--State \$950,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$950,000

**NEW SECTION. Sec. 693. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (04-1-027)

Appropriation:

Central Washington University Capital Projects Account--State \$1,561,200

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,500,000  
TOTAL \$10,061,200

**NEW SECTION. Sec. 694. FOR CENTRAL WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-852)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$1,650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,650,000

**NEW SECTION. Sec. 695. FOR CENTRAL WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 696. FOR THE EVERGREEN STATE COLLEGE**  
THE EVERGREEN STATE COLLEGE  
Life Safety/Code Compliance (02-1-013)

Reappropriation:

The Evergreen State College Capital Projects Account--State \$1,363,314

Prior Biennia (Expenditures) \$1,136,686  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 697. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works Preservation (02-1-014)

Reappropriation:

The Evergreen State College Capital Projects Account--State \$1,574,845

Prior Biennia (Expenditures) \$625,155  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,200,000

**NEW SECTION. Sec. 698. FOR THE EVERGREEN STATE COLLEGE**  
Seminar Building Phase II: Construction (02-2-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$16,500,000

Appropriation:

State Building Construction Account--State \$971,000

Prior Biennia (Expenditures) \$24,250,000

Future Biennia (Projected Costs) \$0  
TOTAL \$41,721,000

**NEW SECTION. Sec. 699. FOR THE EVERGREEN STATE COLLEGE**  
Daniel J. Evans Building: Modernization Phase I (04-2-006)

Appropriation:  
State Building Construction Account--State \$14,097,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$29,653,000  
TOTAL \$43,750,000

**NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE**  
Emergency Repairs (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:  
The Evergreen State College Capital Projects Account--State \$600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 701. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works: Infrastructure Preservation (04-1-001)

Appropriation:  
The Evergreen State College Capital Projects Account--State \$1,550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,550,000

**NEW SECTION. Sec. 702. FOR THE EVERGREEN STATE COLLEGE**  
Lab II 3rd Floor: Chemistry Labs Remodel (04-2-007)

Appropriation:  
The Evergreen State College Capital Projects Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 703. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works - Health, Safety, and Code (04-1-004)

Appropriation:  
The Evergreen State College Capital Projects Account--State \$2,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 704. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works - Facility Preservation (04-1-005)



Appropriation:

State Building Construction Account--State \$3,350,000  
Education Construction Account--State \$1,000,000  
Subtotal Appropriation \$4,350,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,350,000

**NEW SECTION. Sec. 705. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works - Program (04-2-003)

Appropriation:

The Evergreen State College Capital Projects Account--State \$850,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$850,000

**NEW SECTION. Sec. 706. FOR THE EVERGREEN STATE COLLEGE**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-851)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$550,000

**NEW SECTION. Sec. 707. FOR THE EVERGREEN STATE COLLEGE**  
Infrastructure Savings (04-1-850)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 708. FOR WESTERN WASHINGTON UNIVERSITY**  
WESTERN WASHINGTON UNIVERSITY  
Campus Infrastructure Development (98-2-024)

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$2,160,000

Prior Biennia (Expenditures) \$13,419,000  
Future Biennia (Projected Costs) \$8,780,000  
TOTAL \$25,059,000

**NEW SECTION. Sec. 709. FOR WESTERN WASHINGTON UNIVERSITY**  
Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$22,500,000

Appropriation:

State Education Building Construction Account--State \$3,920,000

Prior Biennia (Expenditures) \$13,973,400

Future Biennia (Projected Costs) \$0

TOTAL \$40,393,400

**NEW SECTION. Sec. 710. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (02-1-070)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$1,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Preservation - Safety (02-1-071)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$400,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Program (02-2-072)

Reappropriation:

Western Washington University Capital Projects Account--State \$1,800,000

Prior Biennia (Expenditures) \$5,031,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,831,000

**NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

- 2003.
- (1) The reappropriation is subject to the conditions and limitations in section 905, chapter 10, Laws of
  - (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$3,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,500,000

**NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Facility Preservation (04-1-076)

Appropriation:

State Building Construction Account--State \$4,080,000

Education Construction Account--State \$1,000,000

Subtotal Appropriation \$5,080,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,080,000

**NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (04-1-075)

Appropriation:

State Building Construction Account--State \$1,905,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,905,000

**NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (04-2-077)

Appropriation:

Western Washington University Capital Projects Account--State \$3,858,671

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,858,671

**NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Health, Safety, and Code (04-1-074)

Appropriation:

State Building Construction Account--State \$1,965,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,965,000

**NEW SECTION. Sec. 718. FOR WESTERN WASHINGTON UNIVERSITY**

Academic Instruction Center (02-2-026)

Appropriation:

State Education Building Construction Account--State \$5,618,000

Prior Biennia (Expenditures) \$115,000

Future Biennia (Projected Costs) \$35,047,000

TOTAL \$40,780,000

**NEW SECTION. Sec. 719. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Roadway Development (04-2-073)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Appropriation:

State Building Construction Account--State \$329,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$329,000

**NEW SECTION. Sec. 720. FOR WESTERN WASHINGTON UNIVERSITY**  
Shannon Point Marine Undergraduate Center (04-2-059)

The appropriation in this section is subject to the following conditions and limitations:

(1) The university has independently completed a predesign for this facility. Allotment for design is contingent upon the completion of an addendum to that predesign that addresses federal and grant funding for construction, equipment, and operating costs for the new facility.

(2) The office of financial management shall coordinate review of the predesign addendum with the legislative fiscal committees prior to allotment for design.

(3) This appropriation is for design and construction that is subject to separate allotment. No further appropriations for equipment are anticipated.

Appropriation:

State Building Construction Account--State \$807,000

Western Washington University Capital Projects Account-- State \$4,191,329

Subtotal Appropriation \$4,998,329

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,998,329

**NEW SECTION. Sec. 721. FOR WESTERN WASHINGTON UNIVERSITY**  
Planetarium Improvements (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for replacement of the projector and other upgrades. The state must be matched by local or donated funds.

Appropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$125,000

**NEW SECTION. Sec. 722. FOR WESTERN WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-852)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$2,550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,550,000

**NEW SECTION. Sec. 723. FOR WESTERN WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-851)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 724. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 725. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$552,226  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,552,226

**NEW SECTION. Sec. 726. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Olympia: State Capital Museum Preservation Projects (02-1-001)

Reappropriation:

State Building Construction Account--State \$56,000

Prior Biennia (Expenditures) \$649,397

Future Biennia (Projected Costs) \$0  
TOTAL \$705,397

**NEW SECTION. Sec. 727. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Tacoma: Stadium Way Research Center Preservation Projects (02-1-004)

Reappropriation:  
State Building Construction Account--State \$68,830

Prior Biennia (Expenditures) \$271,017  
Future Biennia (Projected Costs) \$0  
TOTAL \$339,847

**NEW SECTION. Sec. 728. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Tacoma - State History Museum Preservation Projects (02-1-002)

Reappropriation:  
State Building Construction Account--State \$270,000

Prior Biennia (Expenditures) \$1,841,621  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,111,621

**NEW SECTION. Sec. 729. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Project (02-4-004)

The reappropriation in this section shall support the projects as listed in section 734, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:  
State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,319,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$15,819,000

**NEW SECTION. Sec. 730. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Stadium Way Research Center: Code Violation Correction (04-1-003)

Appropriation:  
State Building Construction Account--State \$461,200

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$461,200

**NEW SECTION. Sec. 731. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Project (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided for the following list of projects:

Project	Amount Recommended
Museum of flight	\$350,000
Lopez Island historical society	\$60,000

Spokane parks and recreation	\$136,000
Georgetown community council	\$50,000
Museum of history and industry	\$350,000
Fort Nisqually living history museum	\$350,000
Ilwaco heritage foundation	\$179,400
Jefferson county public works	\$350,000
Historic Seattle PDA	\$350,000
American museum of radio	\$151,799
Gig Harbor - peninsula historical society	\$140,000
Bigelow House preservation association	\$33,900
Northwest maritime center	\$350,000
Suquamish museum and tribal cultural center	\$7,000
City of Roslyn	\$181,816
Duwamish tribal service, inc.	\$350,000
City of Sprague	\$98,000
Spokane symphony	\$56,925
Enumclaw plateau historical society	\$54,054
Gallery one	\$115,500
World kite museum and hall of fame	\$115,500
City of Port Angeles	\$112,200
Vashon parks	\$37,724
San Juan historical museum	\$8,800
Subtotal	\$3,988,618

Alternate Projects:

Clymer museum	\$113,598
Jefferson county historical society	\$115,500
City of Lynnwood	\$37,835
City of Mt. Vernon	\$66,664
White river valley museum	\$115,500
Town of LaConner	\$2,376
Highline historical society	\$14,909
	\$4,455,000

TOTAL with alternates

Appropriation:

State Building Construction Account--State \$3,988,618

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,988,618

**NEW SECTION. Sec. 732. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
State History Museum Preservation (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for paver replacement.

Appropriation:

State Building Construction Account--State \$60,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$60,000

**NEW SECTION. Sec. 733. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Allied Health Building (98-2-661)

Reappropriation:

State Building Construction Account--State \$175,089

Prior Biennia (Expenditures) \$10,861,686  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,036,775



**NEW SECTION. Sec. 734. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clover Park: Transportation Trade - Construction (96-2-662)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,380,368

Prior Biennia (Expenditures) \$14,665,032

Future Biennia (Projected Costs) \$0

TOTAL \$18,045,400

**NEW SECTION. Sec. 735. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic College Poulsbo Center: Construction (96-2-654)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,450,000

Prior Biennia (Expenditures) \$6,596,675

Future Biennia (Projected Costs) \$0

TOTAL \$13,046,675

**NEW SECTION. Sec. 736. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellingham Technical College: Health/Business Building (98-2-672)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,737,347

Prior Biennia (Expenditures) \$5,199,252

Future Biennia (Projected Costs) \$0

TOTAL \$8,936,599

**NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Phase 3 - New Facility (98-2-673)

Reappropriation:

State Building Construction Account--State \$9,627,984

Prior Biennia (Expenditures) \$7,370,016

Future Biennia (Projected Costs) \$0

TOTAL \$17,005,000

**NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Renton Technical College: Technology Resource Center (98-2-674)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,379,770

Prior Biennia (Expenditures) \$8,391,230

Future Biennia (Projected Costs) \$0

TOTAL \$11,771,000

**NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley Community College: Whidbey Higher Education Center (98-2-675)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$641,516

Prior Biennia (Expenditures) \$9,278,097

Future Biennia (Projected Costs) \$0

TOTAL \$9,919,613

**NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Centralia College: Instructional Building Replacement (99-2-001)

Reappropriation:

State Building Construction Account--State \$172,934

Prior Biennia (Expenditures) \$14,227,066

Future Biennia (Projected Costs) \$0

TOTAL \$14,400,000

**NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Clark Center at Washington State University Vancouver (00-2-680)

No money from the appropriations in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

Education Construction Account--State \$1,096,000

Appropriation:

State Education Building Construction Account-- State \$18,009,800

Prior Biennia (Expenditures) \$668,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,773,800

**NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facilities Repairs "A" (00-1-050)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,784,463

Community and Technical College Capital Projects Account--State \$85,847

Subtotal Reappropriation \$1,870,310

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,870,310

**NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Drama/Music Class - Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State \$398,031

Prior Biennia (Expenditures) \$3,031,969  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,430,000

**NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Highline Community College: CWU/Des Moines Higher Education Center (00-2-678)

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

State Education Building Construction Account-- State \$21,052,400

Prior Biennia (Expenditures) \$1,359,051  
Future Biennia (Projected Costs) \$0  
TOTAL \$23,397,400

**NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (Minor Improvements) (00-1-130)

The reappropriations in this section are subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,587,700  
Community and Technical College Capital Projects Account--State \$308,506  
Subtotal Reappropriation \$1,896,206

Prior Biennia (Expenditures) \$14,953,794  
Future Biennia (Projected Costs) \$0  
TOTAL \$16,850,000

**NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic College: Physical Plant Building Replacement (00-2-002)

Reappropriation:

Education Construction Account--State \$416,607

Prior Biennia (Expenditures) \$5,421,705  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,698,993

**NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

Education Construction Account--State \$723,985

Appropriation:

State Education Building Construction Account-- State \$23,374,774

Prior Biennia (Expenditures) \$1,236,215  
Future Biennia (Projected Costs) \$0  
TOTAL \$25,334,974

**NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Library/Technical Center (00-2-319)

Reappropriation:

State Building Construction Account--State \$215,408

Prior Biennia (Expenditures) \$7,034,592  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,250,000

**NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (00-1-090)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$631,778

Prior Biennia (Expenditures) \$3,210,222  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,842,000

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:  
Education Construction Account--State \$1,092,690  
Appropriation:  
State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310  
Future Biennia (Projected Costs) \$0  
TOTAL \$19,255,248

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Whatcom Community College: Classroom/Lab Building (00-2-677)

Reappropriation:  
State Building Construction Account--State \$372,634  
Appropriation:  
State Education Building Construction Account-- State \$10,932,400

Prior Biennia (Expenditures) \$599,266  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,904,300

**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Yakima Valley Community College: Higher Education Center (00-2-954)

Reappropriation:  
State Building Construction Account--State \$4,214,248

Prior Biennia (Expenditures) \$16,285,752  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,500,000

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Science Building (01-2-688)

Appropriation:  
State Building Construction Account--State \$2,396,409

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$27,407,191  
TOTAL \$29,903,600

**NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Science Building (01-2-687)

Appropriation:

State Building Construction Account--State \$2,379,000

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$28,929,265  
TOTAL \$31,408,265

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Technology Institute Partner College Computer Labs (01-2-689)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided to complete construction and equip three computer science and language labs, each approximately 1,200 square feet, located in the following college districts: Highline, Olympic, and South Puget Sound, as provided in section 824, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$345,722

Prior Biennia (Expenditures) \$1,154,278  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bates Technical College: LRC/Vocational (02-2-684)

Appropriation:

State Building Construction Account--State \$1,796,206

Prior Biennia (Expenditures) \$94,346  
Future Biennia (Projected Costs) \$15,168,902  
TOTAL \$17,059,454

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: "A" Building Renovation (02-1-320)

Reappropriation:

State Building Construction Account--State \$5,025,531

Prior Biennia (Expenditures) \$540,569  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,566,100

**NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellingham Technical College: Replacement (02-1-239)

Reappropriation:

State Building Construction Account--State \$4,280,328

Prior Biennia (Expenditures) \$77,572  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,357,900

**NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Big Bend Community College: Library Replacement (02-1-232)

Reappropriation:

Education Construction Account--State \$7,128,718

Prior Biennia (Expenditures) \$368,282  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,497,000

**NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clover Park Technical College: Building 18 Machine Trades (02-1-343)

Reappropriation:  
State Building Construction Account--State \$4,583,308

Prior Biennia (Expenditures) \$208,492  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,791,800

**NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College: Building "A" Renovation (02-1-333)

Reappropriation:  
State Building Construction Account--State \$2,387,456

Prior Biennia (Expenditures) \$4,046,644  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,434,100

**NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College: Instructional Lab Building (02-2-685)

Appropriation:  
State Building Construction Account--State \$2,939,060

Prior Biennia (Expenditures) \$58,000  
Future Biennia (Projected Costs) \$14,491,466  
TOTAL \$17,488,526

**NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facility Repairs "A" (02-1-050)

Reappropriation:  
Education Construction Account--State \$12,716,919

Prior Biennia (Expenditures) \$8,943,409  
Future Biennia (Projected Costs) \$0  
TOTAL \$21,660,328

**NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Library Renovation (02-1-311)

Reappropriation:  
State Building Construction Account--State \$2,142,150

Prior Biennia (Expenditures) \$2,437,350  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,579,500

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: International Program Replacement (02-1-222)

Reappropriation:  
Community and Technical College Capital Projects Account--State \$501,790

Prior Biennia (Expenditures) \$85,280  
Future Biennia (Projected Costs) \$0  
TOTAL \$587,070

**NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Replacement (02-1-240)

Reappropriation:

State Building Construction Account--State \$6,536,746

Prior Biennia (Expenditures) \$378,554  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,915,300

**NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lower Columbia College: Physical Science Portables Replacement (02-1-226)

Reappropriation:

State Building Construction Account--State \$1,445,865

Prior Biennia (Expenditures) \$513,935  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,959,800

**NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Preservation (Emergency Funds) (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$5,912,186

Prior Biennia (Expenditures) \$6,087,814  
Future Biennia (Projected Costs) \$0  
TOTAL \$12,000,000

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (02-1-130)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations in section 795(1), chapter 8, Laws of 2001 2nd sp. sess.

(2) The legislature does not intent to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,744,801  
Education Construction Account--State \$3,365,870  
Subtotal Reappropriation \$11,110,671

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,110,071

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula College: Buildings D and E Renovation (02-1-310)

Reappropriation:

State Building Construction Account--State \$2,656,850

Prior Biennia (Expenditures) \$12,950

Future Biennia (Projected Costs) \$0

TOTAL \$2,669,800

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Fort Steilacoom: Portables Replacement (02-1-223)

Reappropriation:

State Building Construction Account--State \$2,134,848

Prior Biennia (Expenditures) \$317,252

Future Biennia (Projected Costs) \$0

TOTAL \$2,452,100

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Roof Repairs "A" (02-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$4,370,213

Prior Biennia (Expenditures) \$3,102,864

Future Biennia (Projected Costs) \$0

TOTAL \$7,473,077

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Edison Hall Renovation (02-1-315)

Reappropriation:

State Building Construction Account--State \$4,705,209

Prior Biennia (Expenditures) \$1,103,991

Future Biennia (Projected Costs) \$0

TOTAL \$5,809,200

**NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Portables Replacement (02-1-215)

Reappropriation:

State Building Construction Account--State \$6,808,687

Prior Biennia (Expenditures) \$88,713

Future Biennia (Projected Costs) \$0

TOTAL \$6,897,400

**NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Building 800 Renovation (02-1-319)

Reappropriation:

State Building Construction Account--State \$5,858,057

Prior Biennia (Expenditures) \$163,043

Future Biennia (Projected Costs) \$0

TOTAL \$6,021,100



**NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (02-1-090)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the reappropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The reappropriation must be matched by \$200,000 in additional contributions toward the project from local government.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$89,000  
Education Construction Account--State \$3,852,474  
Subtotal Reappropriation \$3,941,474

Prior Biennia (Expenditures) \$4,601,758  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,543,232

**NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Office Space Replacement (02-1-213)

Reappropriation:

Community and Technical College Capital Projects Account--State \$752,777

Prior Biennia (Expenditures) \$9,912  
Future Biennia (Projected Costs) \$0  
TOTAL \$762,689

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Family Education/Child Center (02-1-238)

Reappropriation:

State Building Construction Account--State \$6,718,357

Prior Biennia (Expenditures) \$413,643  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,132,000

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Building "A" Replacement (02-1-217)

Reappropriation:

State Building Construction Account--State \$5,190,236

Prior Biennia (Expenditures) \$287,164  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,477,400

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Falls Community College: Library Renovation (02-1-331)

Reappropriation:

State Building Construction Account--State \$5,269,005

Prior Biennia (Expenditures) \$332,995  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,602,000

**NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State \$534,671

Appropriation:

State Building Construction Account--State \$14,531,900

Prior Biennia (Expenditures) \$663,429

Future Biennia (Projected Costs) \$0

TOTAL \$15,730,000

**NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Portable Buildings Replacement (02-1-236)

Reappropriation:

Education Construction Account--State \$3,437,867

Prior Biennia (Expenditures) \$19,133

Future Biennia (Projected Costs) \$0

TOTAL \$3,457,000

**NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Appropriation:

State Building Construction Account--State \$573,000

Prior Biennia (Expenditures) \$36,300

Future Biennia (Projected Costs) \$5,431,700

TOTAL \$6,041,000

**NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Parent/Child Center Replacement (02-1-234)

Reappropriation:

Community and Technical College Capital Projects Account--State \$222,907

Prior Biennia (Expenditures) \$168,323

Future Biennia (Projected Costs) \$0

TOTAL \$391,230

**NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriations in this section are subject to the following conditions and limitations:

Laws of 2002. (1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238,

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$865,437

Education Construction Account--State \$10,209,178

Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

**NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: "D" Building Renovation (04-1-308)

Appropriation:

State Building Construction Account--State \$13,418,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,418,700

**NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: NWCET Expansion (04-2-402)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.
- (2) State funds will be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: Science and Technology (04-2-690)

The appropriation in this section is subject to the following conditions and limitations: The purpose of the appropriation is to conduct a predesign study of alternatives for a replacement building in compliance with adopted master and strategic plans and which additionally addresses projected enrollment demands, operating budget impacts, options for reduction of parking needs, and cost effective ways to meet new local environmental regulations.

Appropriation:

State Building Construction Account--State \$90,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$90,000

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to conduct a predesign study of alternatives for a building to house new programs that integrate arts and languages with technology, media, and business programs.
- (2) The predesign shall be consistent with the college's adopted strategic plan and colocated campus master plan and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.
- (3) The college shall coordinate planning efforts with the University of Washington, Bothell and address the timing of construction of the south campus access in the predesign.
- (4) Any necessary modifications to the colocated campus master plan should result in an addendum to the campus master plan to be submitted for review by the office of financial management and the legislative fiscal committees.

Appropriation:

State Building Construction Account--State \$159,900

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$159,900

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia Community College Science Building (04-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study for a science building that will address a range of alternatives, meet the needs of project enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The predesign shall be consistent with the college's adopted strategic and facility master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Renovation - Applied Arts 5 (04-1-303)

Appropriation:

State Building Construction Account--State \$3,872,413

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,872,413

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Stout Hall (04-1-203)

Appropriation:

State Building Construction Account--State \$4,049,889

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,049,889

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: East County Satellite (04-1-689)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential satellite campus.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$300,000

**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College: Renovation - "T" Building (04-1-307)

Appropriation:

State Building Construction Account--State \$6,058,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,058,500

**NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Appropriation:

State Education Building Construction Account-- State \$8,827,030

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,827,030

**NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Pilchuck/Glacier (04-1-205)

Appropriation:

State Building Construction Account--State \$1,311,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$14,633,300  
TOTAL \$15,945,000

**NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Renovation - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,352,000

**NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Undergraduate Education Center (04-2- 692)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential undergraduate education center to meet the projected enrollment demands of academic transfer students.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$126,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$126,000

**NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facility Repairs "A" (04-1-050)

Appropriation:

Community and Technical College Capital Projects Account--State \$22,428,699

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$22,428,699

**NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$16,371,700  
TOTAL \$17,635,000

**NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State \$356,193

Appropriation:

State Building Construction Account--State \$10,984,800

Prior Biennia (Expenditures) \$658,507  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,999,500

**NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Appropriation:

State Building Construction Account--State \$4,420,800

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,420,800

**NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Redmond Land Acquisition (04-2- 403)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to purchase property for expansion, storm water retention and parking requirements.
- (2) State funds must be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

Appropriation:

State Building Construction Account--State \$18,473,314

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$18,473,314

**NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (04-2-130)

Appropriation:

State Education Building Construction Account-- State \$20,040,317

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,040,317

**NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works: Facility Preservation (04-1-001)

Appropriation:

Community and Technical College Capital Projects Account--State \$13,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,500,000

**NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Miscellaneous Projects (04-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for large equipment at the following colleges: \$325,000 for Bates Technical Institute and \$325,000 for Clover Park Community College; and \$100,000 for parking improvements at Tacoma Community College.

(2) The appropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
North Seattle Community College: Arts and Science Renovation (04-1-309)

Appropriation:

State Building Construction Account--State \$6,785,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,785,700

**NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic College: Science and Technology Building Replacement (04-1-202)

Appropriation:

State Education Building Construction Account-- State \$22,098,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$22,098,000

**NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula College: Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$82,800

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$82,800

**NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula Community College: North Olympic Skill Center and Resource Center (04-2-406)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Peninsula Community College shall match state funds with nonstate resources of at least \$500,000.
- (2) Allotment of funds shall be in accordance with RCW 43.88.150.
- (3) This completes the state contribution to this project.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College: Fort Steilacoom - Health Science Center (04-3-306)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the design and construction of, and equipment necessary to transform, a pool building into a multi-use health science and wellness education facility.
- (2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C- 100 category.
- (3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration division of engineering and architectural services and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,928,800

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,928,800

**NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Puyallup: Communication Arts and Allied Health Building (04-1-691)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential building to accommodate increased capacity in professional and technical programs.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$150,000



Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Fort Steilacoom: Science and Technology Building (04-1-694)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$190,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$190,000

**NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College: Fort Steilacoom - Child Care Center (04-2-401)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.
- (2) State funds must be matched with nonstate resources in the amount of \$2,250,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Roof Repairs "A" (04-1-010)

Appropriation:

State Building Construction Account--State \$6,265,677  
Community and Technical College Capital Projects Account--State \$1,000,000  
Subtotal Appropriation \$7,265,677

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,265,677

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Renovation - Broadway Edison (04-1-310)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the renovation of and equipment for the student services administrative areas in the Broadway Edison building.
- (2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C- 100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the funding source.

Appropriation:

State Building Construction Account--State \$4,995,800

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,995,800

**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an information technology program. The space for the program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C- 100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,976,200

**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Preventive Facility Maintenance and Infrastructure Repairs (04-1-950)

The appropriation in this section is provided to keep facilities owned and used for educational and general operations of state colleges and universities in adequate condition or better. The legislature intends that maintenance, mechanical adjustments, repairs, and minor works supported by this project extend the remaining useful life of the facility, be of an enduring nature lasting thirteen years or longer, and shall only take place in state-owned building structures where educational and general program missions are housed.

Appropriation:

Education Construction Account--State \$22,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$22,600,000

**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (04-1-090)

Appropriation:

State Building Construction Account--State \$5,305,624

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,305,624

**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Science Building Replacement (04-1-209)

The appropriation in this section is subject to the following conditions and limitations:

(1) The college shall complete a predesign for a science building that will address a range of alternatives, meet the needs of projected enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The appropriation shall be used to complete predesign, amend master plan documents, and complete infrastructure planning so that the proposed project is consistent with the college's strategic plan and facilities master plan.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Science Complex (04-2-695)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to conduct a predesign study of alternatives for additional natural science laboratory and classroom space in compliance with adopted master and strategic plans.

(2) The predesign shall additionally address projected enrollment demands, operating budget impacts, options for reduction of parking needs and cost-effective ways to meet local environmental regulations.

Appropriation:

State Building Construction Account--State \$93,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$93,200

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Community College Science Building Replacement (04-1-212)

Appropriation:

State Building Construction Account--State \$5,721,600

Community and Technical College Capital Projects Account--State \$10,000,000

Subtotal Appropriation \$15,721,600

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,721,600

**NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State \$713,759

Appropriation:

State Building Construction Account--State \$17,236,600

Prior Biennia (Expenditures) \$910,641

Future Biennia (Projected Costs) \$0

TOTAL \$18,861,000

**NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)

Appropriation:

State Building Construction Account--State \$2,613,100

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,613,100

**NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Replacement Portables (04-1-210)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the design and construction of, and equipment for, general classroom space replacing substandard portable classrooms.
- (2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C- 100 category.
- (3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,882,200

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,882,200

**NEW SECTION. Sec. 827. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the design and construction of, and equipment for, an extensive renovation of an instructional building and its systems.
- (2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C- 100 category.
- (3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,988,000

**NEW SECTION. Sec. 828. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Appropriation:

State Building Construction Account--State \$2,622,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,622,000

**NEW SECTION. Sec. 829. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Health Science Facility (04-1-211)

Appropriation:

State Building Construction Account--State \$7,261,400

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,261,400

**NEW SECTION. Sec. 830. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Wenatchee Valley College: Portable Replacement (04-1-201)

Appropriation:  
State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 831. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Yakima Valley Community College: Renovation - Sundquist Annex (04-1-302)

Appropriation:  
State Building Construction Account--State \$3,852,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,852,700

**NEW SECTION. Sec. 832. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Yakima Valley: Classroom Building Replacement (04-1-207)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Allotment for design is contingent upon the completion of a predesign for a building to replace Anthon, Sundquist, and Glenn halls and the approval of the predesign by the office of financial management.
- (2) The office of financial management shall coordinate review of the predesign with the legislative fiscal committees prior to allotment for design.
- (3) The predesign should address a range of alternatives, meet the needs of projected enrollments, and be sited in a location that maximizes future development of the campus.
- (4) The appropriation may be used to complete predesign, amend master plan documents, and complete infrastructure planning so the proposed project is consistent with the college's strategic plan and facilities master plan.

Appropriation:  
State Building Construction Account--State \$2,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 833. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College: UW Bothell/Cascadia CC Phase 2B Offramp (02-2-999)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The community college agrees to repay the general fund--state from local community college revenues for debt service on the bonds issued to support this project.
- (2) If at least \$8,000,000 is not appropriated in the 2003-05 omnibus transportation budget by June 30, 2003, for the UW Bothell/Cascadia Community College phase 2B offramp, this appropriation shall lapse.

Reappropriation:  
State Building Construction Account--State \$2,390,000

Appropriation:  
Community and Technical College Capital Projects Account--State \$3,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$5,990,000

**NEW SECTION. Sec. 834. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM  
Infrastructure Savings (04-1-850)**

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

**PART 6  
MISCELLANEOUS**

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,827,417 during the 2003-2005 fiscal period; \$111,194,423 during the 2005-2007 fiscal period; \$155,435,444 during the 2007-2009 fiscal period; \$155,435,444 during the 2009-2011 fiscal period; and \$155,435,444 during the 2011-2013 period.

**NEW SECTION. Sec. 902.** Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 903.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 904.** Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905.** To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management. Minor works appropriations shall not be used for studies unless expressly authorized elsewhere in this act. The office of financial management shall forward copies of these project lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has

approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

**NEW SECTION. Sec. 906.** (1) The legislature expects projects to be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2005: (a) A listing of reappropriations in the governor's 2005-2007 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

**NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(3) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$6,487,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

(f) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately twenty-five acres of land for a permanent Hawks Prairie campus.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,708,800 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

**NEW SECTION. Sec. 908. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2003-2005 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art.

**NEW SECTION. Sec. 909.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2005-07 biennium and the following four biennia; and amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

**NEW SECTION. Sec. 910.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2003, from the 2001-2003 biennial appropriations for each project.

**NEW SECTION. Sec. 911.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 912.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.



**NEW SECTION. Sec. 913.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 914.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 915.** (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 916. NONTAXABLE AND TAXABLE BOND PROCEEDS.** Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 917.** The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of

state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

**Sec. 918.** RCW 43.135.045 and 2002 c 33 s 2 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter. However, during the 2001-2003 biennium, the legislature may transfer moneys from the emergency reserve fund to the general fund only with approval of a majority of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

**Sec. 919.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be

transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

**Sec. 920.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. During the biennium ending on June 30, 2005, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to maintain and operate campgrounds and other facilities, and for other activities identified in this section. The funds under

this subsection shall be expended in accordance with the following limitations, except that during the biennium ending on June 30, 2005, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in (d)(ii) and (iii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

- (i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;
  - (ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;
  - (iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.
- (2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 921.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read as follows:

- (1) Except as provided in subsection (6) of this section, moneys appropriated for this chapter shall be divided equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter.
- (2) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.
- (3) All moneys deposited in the habitat conservation and outdoor recreation accounts shall be allocated under RCW 79A.15.040 and 79A.15.050 as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.
- (4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public on a nondiscriminatory basis.
- (5) The committee may make grants to an eligible project from both the habitat conservation and outdoor recreation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040 and 79A.15.050.
- (6) For the biennium beginning July 1, 2003, and ending June 30, 2005, the appropriation shall be divided as provided in section 352 of this act.

**Sec. 922.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended to read as follows:

- (1) Except for the biennium beginning July 1, 2003, and ending June 30, 2005, moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:
  - (a) Not less than thirty-five percent for the acquisition and development of critical habitat;
  - (b) Not less than twenty percent for the acquisition and development of natural areas;
  - (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and
  - (d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.
- (2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.
- (3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.
- (4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

**Sec. 923.** RCW 79A.15.050 and 1999 c 379 s 941 are each amended to read as follows:

- (1) Except for the biennium beginning July 1, 2003, and ending June 30, 2005, moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:
  - (a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;
  - (b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;
  - (c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

**NEW SECTION. Sec. 924.** The University of Washington shall develop a ten year program for the eventual relocation of the residents of the floating homes located at 1409 NE Boat street. After meeting and negotiating with the affected residents, the University of Washington shall develop a report to the legislature. The report, giving the various options for achieving relocation, shall be submitted no later than January 15, 2004, to the senate ways and means committee and the house of representatives capital budget committee. Relocation may include the purchase and rental back of existing homes through reverse declining purchase agreements, the physical relocation of the floating homes to other locations, the creation of a buy-back fund, the relocation of residents in concert with the purchase of the existing residences, or other creative real estate transactions that achieve the relocation of the existing residents or floating homes.

**NEW SECTION. Sec. 925.** (1) The joint legislative audit and review committee shall conduct a performance audit of state capital planning, design, and construction processes. In conducting this study, the committee shall select a sample of major capital projects from the 1995-97 through the 2003-05 biennia in higher education, corrections, social and health services, and other state agencies. Capital projects selected for this sample shall accommodate regional differences within the state. The committee shall consider the following topics in conducting this performance audit:

(a) Agency development, evaluation, and justification of the cost drivers and cost elements associated with each of the major phases of a capital project: General or master planning, predesign, design, construction, and postconstruction review;

(b) Evaluation of the management and fiscal controls surrounding agency capital project decision making and implementation processes, such as policy goals, planning procedures, budget limits, cost and performance standards, criteria for selecting project priorities, written instructions, review processes, as well as management, oversight, reporting, and accountability systems;

(c) Processes and standards for cost-effective and efficient design and construction contracting, management, oversight, and review;

(d) Assignment of agency staff and administrative costs to major capital construction projects and the relationship of such agency costs to project delivery;

(e) Extent of the practice of including equipment as part of the basic capital project costs, and how equipment costs are estimated and evaluated for inclusion in projects; and

(f) Comparison of costs to public and private sector benchmarks, when available and where appropriate, in establishing cost parameters for state capital construction projects.

(2) State agencies, including state public higher education institutions, shall provide any requested information concerning the planning, selection, design, contracting, implementation, management, costs, performance, and outcomes of projects to the joint legislative audit and review committee in a timely manner, including relevant proprietary information that may be associated with individual firms. However, any proprietary information provided to the committee for this performance audit shall be deemed confidential and shall not be subject to public disclosure.

(3) In conducting this performance audit, the committee shall work closely with the appropriate legislative fiscal committees and shall consult with the office of financial management, the department of general administration, the department of corrections, the department of social and health services, the higher education coordinating board, the state board for community and technical colleges, individual higher education institutions, and other agencies as appropriate. The committee may contract for consulting services in conducting this performance audit. In its final report, the committee shall make recommendations as appropriate. The committee shall provide a progress report to the appropriate legislative committees by January 9, 2004, and a final report by January 8, 2005.

**Sec. 926.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support

enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall

provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed



personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Proprietary information deemed confidential for the purposes of section 919 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 927.** Sections 918 through 923 and 926 of this act expire June 30, 2005.

**NEW SECTION. Sec. 928. FOR THE STATE BOARD OF EDUCATION**

STATE BOARD OF EDUCATION

Education Savings Account--State

Appropriation \$27,000,000

Education Construction Account--State

Appropriation \$52,000,000

TOTAL APPROPRIATION \$79,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$16,000,000 in fiscal year 2004 and \$36,000,000 in fiscal year 2005 of the education construction account appropriation shall be deposited in the common school construction account.

**NEW SECTION. Sec. 929.** A new section is added to chapter 43.63A RCW to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection (4) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section using objective criteria developed by the department in conjunction with the airport impact mitigation advisory board. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.

(4) The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

(5) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

**NEW SECTION. Sec. 930.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 931.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 919 of this act which takes effect June 30, 2003. (End of part)

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 46.09.170, 79A.15.030, 79A.15.040, and 79A.15.050; amending 2001 2nd sp.s. c 8 s 209 (uncodified); reenacting and amending RCW 43.135.045 and 42.17.310; adding a new section to chapter 43.63A RCW; creating new sections; providing an expiration date; and declaring an emergency."

Representative Orcutt moved the adoption of amendment (545) to amendment (544):

On page 85 of the amendment, after line 28, insert the following:

"(3) At least \$10,000,000 of the total appropriation in this section shall be expended on the forest riparian easement program and removal of family forest fish blockages."

Representatives Orcutt, Mielke, Buck and Orcutt (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee, Linville and Dunshee spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (545) to amendment (544) to Substitute House Bill No. 1165.

## **ROLL CALL**

The Clerk called the roll on the adoption of amendment (545) to amendment (544) to Substitute House Bill No. 1165, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 48.

Voting nay: Representatives Berkey, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

The question before the House was the adoption of amendment (544).

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Alexander, Simpson, McDonald, O'Brien, Pearson, Veloria, Newhouse, Romero, Orcutt, Skinner, Kenney, Shabro, Cairnes, Bailey, Campbell, Darneille, Cooper, Roach and Bush spoke in favor of passage of the bill.

Representatives Ruderman and Benson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1165.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1165 and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Ahern, Benson, Crouse, Ericksen, Nixon, Ruderman and Schindler - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5402, By Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Poulsen and Fairley; by request of Office of Financial Management)**

**Issuing general obligation bonds.**

The bill was read the second time.

Representative Dunshee moved the adoption of the following amendment (543):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2003-2005 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred eighty-six million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 2.** The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The net proceeds shall be transferred as follows:

(1) Eight hundred twenty million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Eighteen million seven hundred thousand dollars to the outdoor recreation account created by RCW 79A.25.060;

(3) Twenty-six million three hundred thousand dollars to the habitat conservation account created by RCW 79A.15.020;

(4) Eighty million dollars to the state taxable building construction account created by RCW 43.99Q.020. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary to issue more than eighty million dollars of the bonds authorized in section 1 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation;

(5) Four million dollars to the University of Washington building account created by RCW 43.79.080 for the UW Bothell/Cascadia Phase 2B Offramp; and

(6) Four million dollars to the capital projects account of the state board for the community and technical colleges created by RCW 28B.50.360 for the UW Bothell/Cascadia Phase 2B Offramp.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 3.** (1) The legislature intends to provide additional resources for the capital needs of education above the traditional bond-supported level of appropriations in the capital budget. The increased level of bond-supported appropriations is intended to be temporary, over approximately three biennia, before returning to a more traditional base level to ensure the debt service on total outstanding obligations stays well within debt limit provisions.

(2) For the purpose of providing funds for necessary capital costs of public higher education institutions and common schools, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion eighty-one million five hundred thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 4.** The proceeds from the sale of the bonds authorized in section 3 of this act shall be deposited in the state education building construction account created by section 9 of this act. These proceeds shall be used exclusively for the purposes specified in section 3 of this act and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 5.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds issued for the purposes of sections 2 (1) through (4) and 3 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds issued for the purposes of sections 2 (1) through (4) and 3 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of sections 2 (1) through (4) and 3 of this act the state treasurer shall withdraw from any general state

revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

**NEW SECTION. Sec. 6.** (1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (5) and (6) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds issued for the purposes of section 2 (5) and (6) of this act.

(3)(a) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the board of regents of the university of Washington shall cause to be paid out of the university of Washington Bothell campus nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(5) of this act.

(b) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(6) of this act, the state board for community and technical colleges shall cause to be paid out of Cascadia Community College nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(6) of this act.

**NEW SECTION. Sec. 7.** (1) Bonds issued under sections 1 and 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 8.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in sections 1 and 3 of this act, and sections 1 through 7 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 9.** The state education building construction account is created in the state treasury. Proceeds from bonds issued under section 3 of this act shall be deposited in the account. The account shall be used for capital costs of public higher education institutions and common schools. Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Dunshee spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5402 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Ahern, Benson, Crouse, Ericksen, McMahan, Mielke, Nixon, Ruderman and Schindler - 9.

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

### **HOUSE BILL NO. 2242, By Representative Dunshee**

#### **Concerning the definition of general state revenues.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2242.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2242 and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Buck, Condotta, Crouse, Ericksen, Holmquist, Kristiansen, McMahan, Mielke, Nixon, Ruderman, Schindler and Schoesler - 16.

HOUSE BILL NO. 2242, having received the necessary constitutional majority, was declared passed.

## POINT OF PERSONAL PRIVILEGE

Representative Dunshee introduced the staff of the Capital Budget Committee, and thanked them for their hard work and dedication. He asked the Chamber to acknowledge them.

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

### **INTRODUCTION & FIRST READING**

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6072 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn and Haugen)**

**Funding pollution abatement and response.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Murray spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6072.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6072 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Berkey, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump and Talcott - 35.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5725, By Senators Zarelli, T. Sheldon, Carlson, Reardon, Benton, Hewitt, Winsley, Hale, Sheahan, Honeyford, Finkbeiner, Johnson and West**

**Providing tax incentives to support the state's semiconductor cluster.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For committee amendment, see Journal, 95<sup>th</sup> Day, April 16, 2003.)

Representative Gombosky moved the adoption of amendment (515):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the welfare of the people of the state of Washington is positively impacted through the encouragement and expansion of family wage employment in the state's manufacturing industries. The legislature further finds that targeting tax incentives to focus on key industry clusters is an important business climate strategy. The Washington competitiveness council has recognized the semiconductor industry, which includes the design and manufacture of semiconductor materials, as one of the state's existing key industry clusters. Businesses in this cluster in the state of Washington are facing increasing pressure to expand elsewhere. The sales and use tax exemptions for manufacturing machinery and equipment enacted by the 1995 legislature improved Washington's ability to compete with other states for manufacturing investment. However, additional incentives for the semiconductor cluster need to be put in place in recognition of the unique forces and global issues involved in business decisions that key businesses in this cluster face.

Therefore, the legislature intends to enact comprehensive tax incentives for the semiconductor cluster that address activities of the lead product industry and its suppliers and customers. Tax incentives for the semiconductor cluster are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this cluster. The legislature also recognizes that the semiconductor industry involves major investment that results in significant construction projects, which will create jobs and bring many indirect benefits to the state during the construction phase.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) The tax imposed by RCW 82.04.240(2) does not apply to any person in respect to the manufacturing of semiconductor microchips.

(2) For the purposes of this section:

(a) "Manufacturing semiconductor microchips" means taking raw polished semiconductor wafers and embedding integrated circuits on the wafers using processes such as masking, etching, and diffusion; and

(b) "Integrated circuit" means a set of microminiaturized, electronic circuits.

(3) This section expires nine years after the effective date of this act.

**Sec. 3.** RCW 82.04.240 and 1998 c 312 s 3 are each amended to read as follows:

(1) Upon every person ((~~except persons taxable under RCW 82.04.260 (1), (2), (4), (5), or (6))~~ engaging within this state in business as a manufacturer, ~~except persons taxable as manufacturers under other provisions of this chapter~~; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.

(2) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or, in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.275 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips. This subsection (2) expires twelve years after the effective date of this act.

(3) The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 4.** RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty



insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to charges made for labor and services rendered in respect to the constructing of new buildings used for the manufacturing of semiconductor materials, to sales of tangible personal property that will be incorporated as an ingredient or component of such buildings during the course of the constructing, or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b). The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) To be eligible under this section the manufacturer or processor for hire must meet the following requirements for an eight-year period, such period beginning the day the new building commences commercial production, or a portion of tax otherwise due shall be immediately due and payable pursuant to subsection (3) of this section:

(a) The manufacturer or processor for hire must maintain at least seventy-five percent of full employment at the new building for which the exemption under this section is claimed.

(b) Before commencing commercial production at a new facility the manufacturer or processor for hire must meet with the department to review projected employment levels in the new buildings. The department, using information provided by the taxpayer, shall make a determination of the number of positions that would be filled at full employment. This number shall be used throughout the eight-year period to determine whether any tax is to be repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation during which time employment at the new building at the same site is increased, the manufacturer or processor for hire shall maintain seventy-five percent of full employment at the manufacturing site overall.

(d) No application is necessary for the tax exemption. The person is subject to all the requirements of chapter 82.32 RCW. A person taking the exemption under this section must report as required under section 11 of this act.

(3) If the employment requirement is not met for any one calendar year, one-eighth of the exempt sales and use taxes shall be due and payable by April 1st of the following year. The department shall assess interest to the date the tax was imposed, but not penalties, on the taxes for which the person is not eligible.

(4) The exemption applies to new buildings, or parts of buildings, that are used exclusively in the manufacturing of semiconductor materials, including the storage of raw materials and finished product.

(5) For the purposes of this section:

(a) "Commencement of commercial production" is deemed to have occurred when the equipment and process qualifications in the new building are completed and production for sale has begun; and

(b) "Full employment" is the number of positions required for full capacity production at the new building, for positions such as line workers, engineers, and technicians.

(c) "Semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(6) No exemption may be taken after twelve years after the effective date of this act, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(7) This section expires twelve years after the effective date of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property that will be incorporated as an ingredient or component of new buildings used for the manufacturing of semiconductor materials during the course of constructing such buildings or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).

(2) The eligibility requirements, conditions, and definitions in section 5 of this act apply to this section.

(3) No exemption may be taken twelve years after the effective date of this act, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(4) This section expires twelve years after the effective date of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after the effective date of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after the effective date of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under RCW 82.04.240(2) for persons engaged in the business of manufacturing semiconductor materials. For the purposes of this section "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2)(a) The credit under this section shall equal three thousand dollars for each employment position used in manufacturing production that takes place in a new building exempt from sales and use tax under sections 5 and 6 of this act. A credit is earned for the calendar year a person fills a position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to eight years. Those positions that are not filled for the entire year are eligible for fifty percent of the credit if filled less than six months, and the entire credit if filled more than six months.

(b) To qualify for the credit, the manufacturing activity of the person must be conducted at a new building that qualifies for the exemption from sales and use tax under sections 5 and 6 of this act.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation, during which time employment at the new building at the same site is increased, the person is eligible for credit for employment at the existing building and new building, with the limitation that the combined eligible employment not exceed full employment at the new building. "Full employment" has the same meaning as in section 5 of this act. The credit may not be earned until the commencement of commercial production, as that term is used in section 5 of this act.

(3) No application is necessary for the tax credit. The person is subject to all of the requirements of chapter 82.32 RCW. In no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(4) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be retroactive to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(5) A person taking the credit under this section must report under section 11 of this act.

(6) Credits may be taken after twelve years after the effective date of this act, for those buildings at which commercial production began before twelve years after the effective date of this act, subject to all of the eligibility criteria and limitations of this section.

(7) This section expires twelve years after the effective date of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 84.36 RCW to read as follows:

(1) Machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 used in manufacturing semiconductor materials at a building exempt from sales and use tax and in compliance with the employment requirement under sections 5 and 6 of this act are tax exempt from taxation. "Semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person seeking this exemption must make application to the county assessor, on forms prescribed by the department.

(3) A person receiving an exemption under this section must report in the manner prescribed in section 11 of this act.

(4) This section is effective for taxes levied for collection one year after the effective date of this act and thereafter.

(5) This section expires December 31st of the year occurring twelve years after the effective date of this act, for taxes levied for collection in the following year.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.240(2) or who claims an exemption or credit under section 2 or 5 through 10 of this act, shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.240(2), or tax exemption or credit under section 2 or 5 through 10 of this act. The report is due by March 31st following any year in which a preferential tax rate under RCW 82.04.240(2) is used, or tax exemption or credit under section 2 or 5 through 10 of this act is taken. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection the department shall declare the amount of taxes exempted or credited for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) By November 1st of the year occurring five years after the effective date of this act, and November 1st of the year occurring eleven years after the effective date of this act, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of chapter . . . , Laws of 2003 (this act) in regard to keeping Washington competitive. The report shall measure the effect of chapter . . . , Laws of 2003 (this act) on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the tax preferences in chapter . . . , Laws of 2003 (this act).

**NEW SECTION. Sec. 12.** (1)(a) This act is contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in section 5 of this act.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in section 2 of this act.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act."

Correct the title.

With the consent of the House, amendment (524) to amendment (515) was withdrawn.

Representative Anderson moved the adoption of amendment (552) to amendment (515):

On page 10 of the amendment, after line 33, insert:

"**Sec. 12.** RCW 82.04.4452 and 2000 c 103 s 7 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the rate provided in RCW 82.04.290(2) for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(9) For the purpose of this section:

(a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a

public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(b) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

(c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

~~((10) This section expires December 31, 2004.)~~

**Sec. 13.** RCW 82.63.030 and 1994 sp.s. c 5 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapter 82.60 or 82.61 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

~~((3) This section shall expire July 1, 2004.)~~

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 10 of the amendment, line 34, after "(1)(a)" strike "This" and insert "Sections 1 through 11 of this"

### **POINT OF ORDER**

Representative Fromhold requested a scope and object ruling on amendment (552) to amendment (515) to Senate Bill No. 5725.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "Senate Bill No. 5725 is entitled an act relating to "providing tax incentives to support the semiconductor cluster in Washington state." The bill creates a variety of tax preferences for manufacturing semiconductor materials.

The amendment also concerns tax incentives, but they are not limited to the semiconductor cluster or the manufacturing of semiconductor materials. The amendment is therefore beyond the scope and object of the bill.

Representative Fromhold, your point of order was well taken."

Representatives Gombosky and Orcutt spoke in favor of the adoption of amendment (515).

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fromhold, Orcutt, Moeller, Wallace, Clements and Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5725 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5725, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlín, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dickerson, Schual-Berke, Simpson and Upthegrove - 4.

SENATE BILL NO. 5725, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 6056, By Senators Haugen and Horn**

#### **Adjusting fees, taxes, and penalties for pilots and aircraft.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendments. (For committee amendment, see Journal, 104<sup>th</sup> Day, April 26, 2003.)

Representative Pflug moved the adoption of amendment (553 ) to the committee amendment:

On page 1, line 9, after "registration.", insert the following: "For the period of July 1, 2003 through June 30, 2005, seven dollars of each registration fee collected shall be deposited into the Aeronautics Account, to be used solely for airport maintenance."

On page 1, beginning on line 12, strike "The" and insert the following: "~~((The))~~Except as provided in the paragraph above, the".

On page 2, line 15, after "registration.", insert the following: "For the period of July 1, 2003 through June 30, 2005, seven dollars of which shall be deposited into the Aeronautics Account, to be used solely for airport maintenance."

On page 2, beginning on line 18, strike "The" and insert the following: "~~((The))~~Except as provided in the paragraph above, the".

Representatives Pflug, Murray and Wallace spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Nixon moved the adoption of amendment (527) to the committee amendment.

On page 3, beginning on line 12 of the amendment, strike all of subsection (2) and insert the following: "(2) In addition to the provisions of subsection (1) of this section, failure to register an aircraft, as required by this chapter is subject to the following civil penalties:

(a) If the aircraft registration is sixty days to one hundred nineteen days past due, the civil penalty is one hundred dollars.

(b) If the aircraft registration is one hundred twenty days to one hundred eighty days past due, the civil penalty is two hundred dollars.

(c) If the aircraft registration is over one hundred eighty days past due, the civil penalty is four hundred dollars."

On page 3, line 24 of the amendment, after "due." insert "If the pilot registration is sixty days past due, the pilot, airman, or airwoman is subject to the civil penalty of four times the fees that are due."

Representatives Nixon and Murray spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Murray, Pflug, Haigh and Wallace spoke in favor of passage of the bill.

Representative Mielke spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6056 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6056, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Bailey, Berkey, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sump and Talcott - 31.

SENATE BILL NO. 6056, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 17, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2065, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.230 and 1992 c 7 s 41 are each amended to read as follows:

(1) The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which

the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates ~~((may))~~ shall be obtained by the director from the metal working plant of a state correctional facility ~~((or from any source in accordance with existing state of Washington purchasing procedures))~~.

(2) Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

(3) The department shall implement a flat, digitally printed license plate system. This system must be in place and operational by July 1, 2004, and must be used to produce all license plates issued by the department by no later than January 1, 2007. The department must phase in the production of flat, digitally printed license plates by first issuing special and personalized plates using this system. Before January 1, 2007, the department may issue all license plates as flat, digitally printed license plates, if the department determines that production of all license plates by the digital printing system is economically viable.

**Sec. 2.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of all vehicle license plates must be ((issued on a standard background)) legible and clearly identifiable as a Washington state license plate, as designated by the department.

(2) Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(3) In providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the license plate technology account created under section 4 of this act until such time as the financing necessary to implement a digital license plate system has been paid in full. After the financing has been paid in full, the revenue collected under this section shall be deposited into the multimodal transportation account.

**Sec. 3.** RCW 46.01.140 and 2001 c 331 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.



(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional ~~((fifty))~~ seventy-five cents, which must be collected and remitted to the state treasurer ~~((for deposit))~~ and distributed as follows:

(i) ~~Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund((Revenue deposited into this account))~~ and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate technology account created under section 4 of this act.

(5) A subagent shall collect a service fee of (a) eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the license plate technology account created under section 4 of this act until such time as the financing necessary to implement a digital license plate system has been paid in full. After the financing has been paid in full, the revenue collected under this section shall be deposited into the multimodal transportation account.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect for renewals that are due or become due on or after November 1, 2003.

NEW SECTION. Sec. 7. If this act is not referenced by bill or chapter number by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

In line 1 of the title, after "technology;" strike the remainder of the title and insert "amending RCW 46.16.230, 46.16.233, and 46.01.140; adding new sections to chapter 46.16 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2065 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Ericksen, Murray and DeBolt spoke in favor of the passage of the bill.

Representatives Simpson, O'Brien, Cooper and Simpson (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2065 as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2065, as amended by the Senate and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Conway, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kessler, Kirby, Kristiansen, Linville, Mastin, McDonald, McMorris, Mielke, Morris, Murray, Newhouse, Pearson, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, Skinner, Talcott, Tom, Wallace and Woods - 58.

Voting nay: Representatives Bush, Campbell, Chase, Clibborn, Cody, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Gombosky, Hankins, Hudgins, Hunt, Kagi, Kenney, Lantz, Lovick, McCoy, McDermott, McIntire, McMahan, Miloscia, Moeller, Morrell, Nixon, O'Brien, Orcutt, Pettigrew, Ruderman, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Upthegrove, Veloria, Wood and Mr. Speaker - 40.

HOUSE BILL NO. 2065, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2065 as amended by the Senate.  
DAN KRISTIANSEN, 39<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to NAY on HOUSE BILL NO. 2065 as amended by the Senate.  
DAN ROACH, 31<sup>st</sup> District

#### SENATE AMENDMENTS TO HOUSE BILL

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program ((~~or~~), an on- the-job training program ((~~for which~~)), or is gainfully employed and a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, ~~((the))~~ applicants must be offered the opportunity to enter into a payment plan with the court, subject to the court's discretion as to the individual applicant.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years. The suspension or revocation of the regular driver's license shall not be affected by the issuance of an occupational license. The two-year period is to provide an opportunity for the applicant to work in order to satisfy any penalties or other sanctions imposed by the court which are the causes of the suspension or revocation of his or her regular driver's license.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship ~~((or))~~ program, on-the-job training program, or is no longer gainfully employed, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program or continued employment, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(e) The applicant, if the suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101, submits written verification of installation of an ignition interlock or other biological or technical device on the vehicle he or she intends to operate.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

(5) No person may petition for, and the department shall not issue, an occupational driver's license to any person if the person previously entered into a payment plan under subsection (2)(b) of this section and the person has failed to satisfy payment of all obligations included in the payment plan.

(6) Any person issued an occupational driver's license whose license suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101 may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device for the duration of the period for which the occupational driver's license is valid.

**Sec. 2.** RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6)(a) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. ~~((If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment))~~ The court shall have available the option of a payment plan by which the penalty is to be paid within eighteen months. However, it is in the court's discretion whether to allow a person, under this section, to enter into a payment plan with the court. The court may allow a person to enter into a payment plan if the person (i) is not able to pay a monetary penalty in full when it is imposed; (ii) has had a monetary penalty imposed within the previous twelve months and the penalty has not been paid in full; or (iii) is currently in a payment plan for a previously imposed penalty and a new monetary penalty is imposed by a court. The court may, but need not, rearrange the earlier payment plan to include the new penalty or may enter into a separate payment plan. In the event that a payment plan is requested by a person owing a monetary penalty and the court, under RCW 3.02.045, has sent the person's existing debt to a collection agency due to the person's failure to satisfy his or her obligations, the court may, but need not, remove the account from the collection agency in order to create a payment plan. Nothing in this act requires the court to remove an account from collection.

(b) If a payment required to be made under the payment plan is delinquent by thirty days, the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid ((and)), including the penalty provided in subsection (4) of this section ((has been paid)).

(c) If the court requires a person to enter into a payment plan and he or she does not do so or has entered into a payment plan but has not paid the penalty in full within not more than eighteen months of the initial payment, the court shall notify the department of the delinquency, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid, including the penalty provided in subsection (3) of this section.

(d) "Payment plan," as used in this subsection, means a plan that requires a person to pay an initial payment, followed by reasonable payments in an amount established by the court. The person may voluntarily pay any amount at any time in addition to these payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

**Sec. 3.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

(1) Whenever any person violates his or her written promise to appear in court, ((or)) fails to appear for a scheduled court hearing, or fails to comply with the terms of a citation, the court in which the defendant failed to appear or comply shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

(2)(a) Where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, and a person is not able to pay the monetary penalty in full, the court may enter into a payment plan with the person. The court shall have available the option of a payment plan. However, it is in the court's discretion whether to allow a person, under this section, to enter into a payment plan with the court. If a person has entered into a payment plan under this subsection, the court shall not notify the department of licensing that the person has failed to comply with the terms of a citation as it applies to payment of the monetary penalty unless a payment required to be made under the payment plan is delinquent by thirty days or the penalty is not paid in full within not more than eighteen months of the initial payment.

(b) "Payment plan," as used in this subsection, means a plan that requires a person to pay an initial payment, followed by reasonable payments in an amount established by the court. The person may voluntarily pay any amount at any time in addition to these payments."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "driver's licenses; amending RCW 46.64.025; and reenacting and amending RCW 46.20.391 and 46.63.110."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Lantz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1033 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the constitutional majority, was declared passed.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 2003-4663, By Representatives Kagi and Boldt

WHEREAS, We have a duty to care for the 8,500 children in our state who are abused, neglected, or abandoned; and

WHEREAS, More than 6,000 foster families answer the call to provide nurturing care for these children; and

WHEREAS, It is right that we recognize and applaud these foster families for opening their hearts and homes to children who need special care; and

WHEREAS, It would be impossible to care for abused, neglected, or abandoned children without the dedicated foster parents in our state;

NOT, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the compassion and hard work of foster families; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the governor, the Senate, and the representatives of foster families.

HOUSE RESOLUTION NO. 4663 was adopted.

HOUSE RESOLUTION NO. 2003-4664, By Representatives Chopp, McMorris, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

WHEREAS, Dennis "Denny" L. Heck has been the driving force behind TVW, Washington State's Public Affairs Network, since its first broadcast at 7:00 p.m. on Monday, April 7, 1995; and

WHEREAS, Denny Heck, President and Founder of TVW, has established the network as "must-see TV" for citizens, lawmakers, and others who are interested in state government; and

WHEREAS, TVW, under Denny Heck's leadership, received a 1996 Government News Reporting of the Year Award from King County, 1996 Communicator Award for its production of "First Branch," a 1998 Communicator Award, a 1999 Videographer of the Year Award and an Emmy Award for its production of "Supreme Justice," and a 1996 Excellence in Government Programming Award from King County, and a 2002 Award of Distinction in 2002 from The Videographer Awards; and

WHEREAS, TVW produces 2,200 hours of original programming each year for 3.3 million people, or 85 percent of all cable households in the state of Washington; and

WHEREAS, Denny Heck's TVW has fundamentally changed the way elected officials conduct themselves in committee hearings and on the floor of this chamber -- in the words of one former member making lawmakers "a little concerned about whether your tie is straight and your fly is up," and in the words of another lawmaker, when the TVW camera is on "pens go down, phones are hung up, and all of a sudden you're looking at the person who's talking"; and

WHEREAS, Denny Heck is a former member of this body, first elected at the age of 24 and subsequently elected to five terms in the House of Representatives, rising to the post of Majority Leader; and

WHEREAS, Denny Heck has also served the people of the state of Washington as Chief Clerk of the House of Representatives and as Governor Booth Gardner's chief of staff from 1989-1993; and

WHEREAS, Denny Heck has devoted thirty years of his life to public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its utmost appreciation and gratitude for the long years of service that Dennis "Denny" L. Heck has rendered to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Governor, Chief Justice of the State Supreme Court, Senate Majority and Minority Leaders, Chairman of the Board of TVW, and Dennis "Denny" L. Heck.

HOUSE RESOLUTION NO. 4664 was adopted.

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

### **INTRODUCTION & FIRST READING**

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4407 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4407, By Representatives Kessler and DeBolt**

**Exempting bills from the cutoff resolution.**

The concurrent resolution was read the second time.

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

Representatives Kessler, DeBolt, Linville and Mastin spoke in favor of adoption of the concurrent resolution.

Representatives McDermott and Upthegrove spoke against the adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 was adopted.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6026, By Senate Committee on Ways & Means (originally sponsored by Senator West)**

**Authorizing special assessments to fund convention and tourism promotion. (REVISED FOR PASSED LEGISLATURE: Authorizing a lodging charge to fund tourism promotion.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, 85<sup>th</sup> Day, April 7, 2003.)

With the consent of the House, amendment (445) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Gombosky, Skinner and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6026 as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6026, as amended by the House, and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Bailey, Benson, Berkey, Blake, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 74.



Voting nay: Representatives Alexander, Armstrong, Boldt, Buck, Bush, Cairnes, Carrell, Condotta, Cox, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Nixon, Orcutt, Pearson, Roach, Shabro, Sump, Tom and Woods - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6026, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 26, 2003

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2172, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.19 RCW to read as follows:

(1) When planning for the capital construction or renovation of a state facility, state agencies shall consider the utilization of fuel cells and renewable or alternative energy sources as a primary source of power for applications that require an uninterruptible power source.

(2) When planning the purchase of back-up or emergency power systems and remote power systems, state agencies shall consider the utilization of fuel cells and renewable or alternative energy sources instead of batteries or internal combustion engines.

(3) The director of general administration shall develop criteria by which state agencies can identify, evaluate, and develop potential fuel cell applications at state facilities.

(4) For the purposes of this section, "fuel cell" means an electrochemical reaction that generates electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and adding a new section to chapter 43.19 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2172 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sullivan, Crouse and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2172 as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2172, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2172, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

**MESSAGE FROM THE SENATE**

April 27, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,  
SENATE BILL NO. 5769,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5179,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,  
SUBSTITUTE SENATE BILL NO. 5974,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,  
SENATE BILL NO. 6052,  
ENGROSSED SENATE BILL NO. 6062,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,  
SUBSTITUTE HOUSE BILL NO. 1100,  
HOUSE BILL NO. 2065,  
SUBSTITUTE HOUSE BILL NO. 2172,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228,  
SUBSTITUTE SENATE BILL NO. 5179,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,  
SENATE BILL NO. 5769,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,  
SUBSTITUTE SENATE BILL NO. 5974,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,  
SENATE BILL NO. 6052,  
ENGROSSED SENATE BILL NO. 6062,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,

The Speaker called upon Representative Lovick to preside.

**MESSAGE FROM THE SENATE**

April 27, 2003

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1126,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163,  
SUBSTITUTE HOUSE BILL NO. 1173,  
SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1233,  
SUBSTITUTE HOUSE BILL NO. 1335,  
SUBSTITUTE HOUSE BILL NO. 1571,  
HOUSE BILL NO. 1712,  
SUBSTITUTE HOUSE BILL NO. 1788,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,  
SUBSTITUTE HOUSE BILL NO. 1829,  
SECOND SUBSTITUTE HOUSE BILL NO. 1841,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,  
SUBSTITUTE HOUSE BILL NO. 2215,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4406 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

**SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4406, By Representatives Kessler and DeBolt**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

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

HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding):

**POINT OF PERSONAL PRIVILEGE**

Representative Mastin took a moment to thank the families of all the members and staff for their support and understanding.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 27, 2003

Mr. Speaker:

The Senate insists on its position on HOUSE JOINT MEMORIAL NO. 4021 and asks the House to concur, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 4021 and advanced the joint memorial as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Morris and Ericksen spoke in favor of the passage of the memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Joint Memorial No. 4021 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4021, as amended by the Senate and the joint memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL NO. 4021, as amended by the Senate, having received the constitutional majority, was declared passed.

### **MESSAGES FROM THE SENATE**

April 27, 2003

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5039,  
SENATE BILL NO. 5725,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,  
SENATE BILL NO. 6056,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5450,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5039,  
ENGROSSED SENATE BILL NO. 5450,  
SENATE BILL NO. 5725,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,  
SENATE BILL NO. 6056,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,  
SUBSTITUTE HOUSE BILL NO. 1100,  
HOUSE BILL NO. 2065,  
SUBSTITUTE HOUSE BILL NO. 2172,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8410, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8410 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

## **SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8410, By Senators West and Brown**

**Returning bills to the house of origin.**

The concurrent resolution was read the second time.

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

SENATE CONCURRENT RESOLUTION NO. 8410 was declared adopted.

**MESSAGES FROM THE SENATE**

April 27, 2003

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5776, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8410, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

Milt H. Doumit, Secretary

April 27, 2003

Mr. Speaker:

The Senate has adopted HOUSE JOINT MEMORIAL NO. 4021, and the same is herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE JOINT MEMORIAL NO. 4021,  
HOUSE CONCURRENT RESOLUTION NO. 4406,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5776,  
SENATE CONCURRENT RESOLUTION NO. 8410,

**MESSAGE FROM THE SENATE**

April 27, 2003

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4021,  
HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5039,  
SUBSTITUTE SENATE BILL NO. 5051,  
ENGROSSED SENATE BILL NO. 5450,  
SENATE BILL NO. 5725,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,  
SENATE BILL NO. 6056,

Under the provisions of Senate Concurrent Resolution No. 8410, the following Senate Bills were returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,  
SUBSTITUTE SENATE BILL NO. 5018,  
SUBSTITUTE SENATE BILL NO. 5022,  
SUBSTITUTE SENATE BILL NO. 5023,  
SECOND SUBSTITUTE SENATE BILL NO. 5024,  
SUBSTITUTE SENATE BILL NO. 5025,  
SECOND SUBSTITUTE SENATE BILL NO. 5027,  
SUBSTITUTE SENATE BILL NO. 5028,  
SENATE BILL NO. 5034,  
SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5053,  
SUBSTITUTE SENATE BILL NO. 5063,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,  
SENATE BILL NO. 5075,  
SUBSTITUTE SENATE BILL NO. 5077,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5079,  
ENGROSSED SENATE BILL NO. 5083,  
SUBSTITUTE SENATE BILL NO. 5086,  
SUBSTITUTE SENATE BILL NO. 5089,  
SENATE BILL NO. 5091,  
SENATE BILL NO. 5093,  
SENATE BILL NO. 5095,  
ENGROSSED SENATE BILL NO. 5106,  
SUBSTITUTE SENATE BILL NO. 5145,  
SENATE BILL NO. 5146,  
SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5148,  
SENATE BILL NO. 5149,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,  
SUBSTITUTE SENATE BILL NO. 5152,  
SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5160,  
ENGROSSED SENATE BILL NO. 5161,  
SUBSTITUTE SENATE BILL NO. 5168,  
SUBSTITUTE SENATE BILL NO. 5169,  
SENATE BILL NO. 5175,  
SENATE BILL NO. 5180,  
SUBSTITUTE SENATE BILL NO. 5181,  
SUBSTITUTE SENATE BILL NO. 5182,  
SUBSTITUTE SENATE BILL NO. 5185,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192,  
SUBSTITUTE SENATE BILL NO. 5193,  
SENATE BILL NO. 5195,  
SENATE BILL NO. 5197,  
ENGROSSED SENATE BILL NO. 5198,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5209,

SUBSTITUTE SENATE BILL NO. 5212,  
SUBSTITUTE SENATE BILL NO. 5225,  
SENATE BILL NO. 5232,  
SUBSTITUTE SENATE BILL NO. 5235,  
SUBSTITUTE SENATE BILL NO. 5240,  
SUBSTITUTE SENATE BILL NO. 5242,  
ENGROSSED SENATE BILL NO. 5254,  
ENGROSSED SENATE BILL NO. 5255,  
ENGROSSED SENATE BILL NO. 5257,  
SUBSTITUTE SENATE BILL NO. 5264,  
SENATE BILL NO. 5266,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,  
SENATE BILL NO. 5271,  
SENATE BILL NO. 5282,  
SUBSTITUTE SENATE BILL NO. 5302,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5308,  
SUBSTITUTE SENATE BILL NO. 5319,  
SUBSTITUTE SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5337,  
SENATE BILL NO. 5340,  
SECOND SUBSTITUTE SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5345,  
SENATE BILL NO. 5346,  
SENATE BILL NO. 5349,  
SUBSTITUTE SENATE BILL NO. 5351,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,  
SUBSTITUTE SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5360,  
SECOND SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5365,  
SENATE BILL NO. 5367,  
SENATE BILL NO. 5373,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5380,  
SUBSTITUTE SENATE BILL NO. 5384,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5400,  
SUBSTITUTE SENATE BILL NO. 5401,  
SUBSTITUTE SENATE BILL NO. 5415,  
SENATE BILL NO. 5422,  
SUBSTITUTE SENATE BILL NO. 5423,  
SENATE BILL NO. 5428,  
SENATE BILL NO. 5431,  
SUBSTITUTE SENATE BILL NO. 5435,  
SUBSTITUTE SENATE BILL NO. 5451,  
SUBSTITUTE SENATE BILL NO. 5462,  
SENATE BILL NO. 5463,  
SENATE BILL NO. 5464,  
SUBSTITUTE SENATE BILL NO. 5474,  
SENATE BILL NO. 5475,  
SENATE BILL NO. 5491,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5492,  
SUBSTITUTE SENATE BILL NO. 5499,  
SUBSTITUTE SENATE BILL NO. 5500,



ENGROSSED SENATE BILL NO. 5517,  
SUBSTITUTE SENATE BILL NO. 5521,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,  
ENGROSSED SENATE BILL NO. 5529,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5531,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5537,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5538,  
SUBSTITUTE SENATE BILL NO. 5540,  
SENATE BILL NO. 5552,  
SUBSTITUTE SENATE BILL NO. 5563,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5583,  
SUBSTITUTE SENATE BILL NO. 5584,  
SENATE BILL NO. 5587,  
SUBSTITUTE SENATE BILL NO. 5588,  
SENATE BILL NO. 5597,  
SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5627,  
SUBSTITUTE SENATE BILL NO. 5628,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5631,  
SENATE BILL NO. 5646,  
SUBSTITUTE SENATE BILL NO. 5658,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
SUBSTITUTE SENATE BILL NO. 5661,  
SENATE BILL NO. 5665,  
SENATE BILL NO. 5673,  
SUBSTITUTE SENATE BILL NO. 5674,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5680,  
SENATE BILL NO. 5653,  
SUBSTITUTE SENATE BILL NO. 5687,  
SUBSTITUTE SENATE BILL NO. 5690,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5692,  
SUBSTITUTE SENATE BILL NO. 5695,  
SENATE BILL NO. 5696,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,  
SENATE BILL NO. 5709,  
SUBSTITUTE SENATE BILL NO. 5714,  
SUBSTITUTE SENATE BILL NO. 5715,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,  
SUBSTITUTE SENATE BILL NO. 5718,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,  
SUBSTITUTE SENATE BILL NO. 5733,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,  
SENATE BILL NO. 5747,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,  
SENATE BILL NO. 5782,  
SENATE BILL NO. 5790,  
SUBSTITUTE SENATE BILL NO. 5793,  
SUBSTITUTE SENATE BILL NO. 5797,  
SUBSTITUTE SENATE BILL NO. 5800,  
SENATE BILL NO. 5801,  
SUBSTITUTE SENATE BILL NO. 5803,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,  
SUBSTITUTE SENATE BILL NO. 5828,  
SENATE BILL NO. 5841,

SENATE BILL NO. 5845,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,  
SUBSTITUTE SENATE BILL NO. 5852,  
SUBSTITUTE SENATE BILL NO. 5859,  
SUBSTITUTE SENATE BILL NO. 5861,  
SUBSTITUTE SENATE BILL NO. 5870,  
SENATE BILL NO. 5895,  
SUBSTITUTE SENATE BILL NO. 5908,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,  
SUBSTITUTE SENATE BILL NO. 5910,  
ENGROSSED SENATE BILL NO. 5949,  
ENGROSSED SENATE BILL NO. 5953,  
SUBSTITUTE SENATE BILL NO. 5955,  
ENGROSSED SENATE BILL NO. 5965,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,  
ENGROSSED SENATE BILL NO. 5971,  
SUBSTITUTE SENATE BILL NO. 5975,  
SUBSTITUTE SENATE BILL NO. 5987,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6011,  
SECOND SUBSTITUTE SENATE BILL NO. 6017,  
SUBSTITUTE SENATE BILL NO. 6028,  
SENATE BILL NO. 6029,  
SUBSTITUTE SENATE BILL NO. 6049,  
SUBSTITUTE SENATE BILL NO. 6051,  
SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6059,  
ENGROSSED SENATE BILL NO. 6063,  
SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8004,  
SENATE JOINT MEMORIAL NO. 8020,  
SENATE JOINT MEMORIAL NO. 8022,  
SENATE JOINT RESOLUTION NO. 8208,

### MESSAGE FROM THE SENATE

April 27, 2003

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1000,  
SUBSTITUTE HOUSE BILL NO. 1005,  
SUBSTITUTE HOUSE BILL NO. 1012,  
SUBSTITUTE HOUSE BILL NO. 1013,  
SUBSTITUTE HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1021,  
SUBSTITUTE HOUSE BILL NO. 1031,  
HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1041,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,  
HOUSE BILL NO. 1064,  
SECOND SUBSTITUTE HOUSE BILL NO. 1065,  
HOUSE BILL NO. 1072,  
SUBSTITUTE HOUSE BILL NO. 1085,  
SUBSTITUTE HOUSE BILL NO. 1093,

HOUSE BILL NO. 1098,  
ENGROSSED HOUSE BILL NO. 1109,  
HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1120,  
SUBSTITUTE HOUSE BILL NO. 1121,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1122,  
SECOND SUBSTITUTE HOUSE BILL NO. 1123,  
HOUSE BILL NO. 1124,  
SUBSTITUTE HOUSE BILL NO. 1129,  
HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1138,  
HOUSE BILL NO. 1146,  
ENGROSSED HOUSE BILL NO. 1148,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,  
ENGROSSED HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1156,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158,  
SUBSTITUTE HOUSE BILL NO. 1159,  
SUBSTITUTE HOUSE BILL NO. 1160,  
ENGROSSED HOUSE BILL NO. 1161,  
HOUSE BILL NO. 1162,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1164,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1178,  
SUBSTITUTE HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1191,  
SUBSTITUTE HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1193,  
HOUSE BILL NO. 1196,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1203,  
HOUSE BILL NO. 1208,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1214,  
SUBSTITUTE HOUSE BILL NO. 1217,  
SECOND SUBSTITUTE HOUSE BILL NO. 1223,  
HOUSE BILL NO. 1225,  
SUBSTITUTE HOUSE BILL NO. 1227,  
HOUSE BILL NO. 1228,  
HOUSE BILL NO. 1229,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230,  
SUBSTITUTE HOUSE BILL NO. 1231,  
SECOND SUBSTITUTE HOUSE BILL NO. 1234,  
SUBSTITUTE HOUSE BILL NO. 1236,  
SUBSTITUTE HOUSE BILL NO. 1239,  
SECOND SUBSTITUTE HOUSE BILL NO. 1245,  
HOUSE BILL NO. 1247,  
HOUSE BILL NO. 1248,  
SUBSTITUTE HOUSE BILL NO. 1249,  
SUBSTITUTE HOUSE BILL NO. 1251,  
SUBSTITUTE HOUSE BILL NO. 1257,  
SUBSTITUTE HOUSE BILL NO. 1258,  
HOUSE BILL NO. 1264,  
SUBSTITUTE HOUSE BILL NO. 1276,  
HOUSE BILL NO. 1279,  
SUBSTITUTE HOUSE BILL NO. 1283,  
SUBSTITUTE HOUSE BILL NO. 1286,

HOUSE BILL NO. 1287,  
SUBSTITUTE HOUSE BILL NO. 1290,  
SUBSTITUTE HOUSE BILL NO. 1295,  
SUBSTITUTE HOUSE BILL NO. 1298,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
HOUSE BILL NO. 1333,  
SUBSTITUTE HOUSE BILL NO. 1334,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,  
SUBSTITUTE HOUSE BILL NO. 1339,  
SUBSTITUTE HOUSE BILL NO. 1340,  
HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1353,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,  
ENGROSSED HOUSE BILL NO. 1363,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1367,  
ENGROSSED HOUSE BILL NO. 1369,  
HOUSE BILL NO. 1375,  
SUBSTITUTE HOUSE BILL NO. 1390,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,  
ENGROSSED HOUSE BILL NO. 1433,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1438,  
HOUSE BILL NO. 1439,  
SUBSTITUTE HOUSE BILL NO. 1440,  
ENGROSSED HOUSE BILL NO. 1453,  
SUBSTITUTE HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1472,  
HOUSE BILL NO. 1479,  
HOUSE BILL NO. 1480,  
HOUSE BILL NO. 1481,  
HOUSE BILL NO. 1483,  
SUBSTITUTE HOUSE BILL NO. 1486,  
SUBSTITUTE HOUSE BILL NO. 1489,  
HOUSE BILL NO. 1492,  
SUBSTITUTE HOUSE BILL NO. 1493,  
HOUSE BILL NO. 1497,  
HOUSE BILL NO. 1503,  
HOUSE BILL NO. 1510,  
SUBSTITUTE HOUSE BILL NO. 1517,  
SUBSTITUTE HOUSE BILL NO. 1532,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1545,  
HOUSE BILL NO. 1556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,  
ENGROSSED HOUSE BILL NO. 1568,  
SUBSTITUTE HOUSE BILL NO. 1569,  
HOUSE BILL NO. 1572,  
HOUSE BILL NO. 1575,  
HOUSE BILL NO. 1579,  
HOUSE BILL NO. 1580,  
HOUSE BILL NO. 1583,  
HOUSE BILL NO. 1584,  
SUBSTITUTE HOUSE BILL NO. 1593,  
HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1604,  
SUBSTITUTE HOUSE BILL NO. 1608,  
ENGROSSED HOUSE BILL NO. 1615,

ENGROSSED HOUSE BILL NO. 1616,  
SUBSTITUTE HOUSE BILL NO. 1622,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1638,  
SUBSTITUTE HOUSE BILL NO. 1642,  
ENGROSSED HOUSE BILL NO. 1645,  
HOUSE BILL NO. 1647,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,  
HOUSE BILL NO. 1667,  
HOUSE BILL NO. 1670,  
SUBSTITUTE HOUSE BILL NO. 1676,  
HOUSE BILL NO. 1677,  
ENGROSSED HOUSE BILL NO. 1691,  
SUBSTITUTE HOUSE BILL NO. 1693,  
SUBSTITUTE HOUSE BILL NO. 1695,  
SUBSTITUTE HOUSE BILL NO. 1702,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,  
SUBSTITUTE HOUSE BILL NO. 1711,  
ENGROSSED HOUSE BILL NO. 1717,  
SUBSTITUTE HOUSE BILL NO. 1723,  
SUBSTITUTE HOUSE BILL NO. 1724,  
SUBSTITUTE HOUSE BILL NO. 1731,  
SUBSTITUTE HOUSE BILL NO. 1737,  
SUBSTITUTE HOUSE BILL NO. 1739,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1742,  
SUBSTITUTE HOUSE BILL NO. 1743,  
HOUSE BILL NO. 1746,  
SUBSTITUTE HOUSE BILL NO. 1767,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,  
SUBSTITUTE HOUSE BILL NO. 1782,  
SUBSTITUTE HOUSE BILL NO. 1789,  
SECOND SUBSTITUTE HOUSE BILL NO. 1796,  
HOUSE BILL NO. 1801,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1803,  
SUBSTITUTE HOUSE BILL NO. 1809,  
HOUSE BILL NO. 1816,  
SUBSTITUTE HOUSE BILL NO. 1820,  
HOUSE BILL NO. 1822,  
SUBSTITUTE HOUSE BILL NO. 1824,  
SUBSTITUTE HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1840,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,  
SUBSTITUTE HOUSE BILL NO. 1846,  
HOUSE BILL NO. 1847,  
HOUSE BILL NO. 1860,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1865,  
SUBSTITUTE HOUSE BILL NO. 1867,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,  
SUBSTITUTE HOUSE BILL NO. 1872,  
SUBSTITUTE HOUSE BILL NO. 1879,  
HOUSE BILL NO. 1890,  
SECOND SUBSTITUTE HOUSE BILL NO. 1896,  
SECOND SUBSTITUTE HOUSE BILL NO. 1913,  
ENGROSSED HOUSE BILL NO. 1926,  
ENGROSSED HOUSE BILL NO. 1927,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928,  
HOUSE BILL NO. 1929,

SUBSTITUTE HOUSE BILL NO. 1931,  
HOUSE BILL NO. 1935,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1936,  
HOUSE BILL NO. 1952,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,  
HOUSE BILL NO. 1967,  
SUBSTITUTE HOUSE BILL NO. 1971,  
HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2000,  
HOUSE BILL NO. 2004,  
HOUSE BILL NO. 2006,  
HOUSE BILL NO. 2018,  
SUBSTITUTE HOUSE BILL NO. 2019,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,  
SUBSTITUTE HOUSE BILL NO. 2036,  
HOUSE BILL NO. 2041,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043,  
ENGROSSED HOUSE BILL NO. 2045,  
SUBSTITUTE HOUSE BILL NO. 2046,  
HOUSE BILL NO. 2072,  
HOUSE BILL NO. 2075,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,  
SUBSTITUTE HOUSE BILL NO. 2090,  
HOUSE BILL NO. 2097,  
HOUSE BILL NO. 2100,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2112,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2119,  
HOUSE BILL NO. 2122,  
SECOND SUBSTITUTE HOUSE BILL NO. 2124,  
HOUSE BILL NO. 2129,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2147,  
HOUSE BILL NO. 2150,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2179,  
SUBSTITUTE HOUSE BILL NO. 2184,  
SUBSTITUTE HOUSE BILL NO. 2192,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,  
HOUSE BILL NO. 2199,  
HOUSE BILL NO. 2226,  
HOUSE BILL NO. 2229,  
HOUSE BILL NO. 2237,  
HOUSE BILL NO. 2238,  
HOUSE BILL NO. 2242,  
HOUSE BILL NO. 2249,  
SUBSTITUTE HOUSE BILL NO. 2257,  
SUBSTITUTE HOUSE BILL NO. 2261,  
SUBSTITUTE HOUSE BILL NO. 2267,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4000,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,  
HOUSE JOINT MEMORIAL NO. 4007,  
HOUSE JOINT MEMORIAL NO. 4010,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4016,  
HOUSE JOINT MEMORIAL NO. 4018,  
HOUSE JOINT RESOLUTION NO. 4204,  
HOUSE JOINT RESOLUTION NO. 4205,

HOUSE CONCURRENT RESOLUTION NO. 4404,  
HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

On motion of Representative Kessler, the reading of the Journal of the 105<sup>th</sup> Day of the 2003 Regular Session of the 58<sup>th</sup> Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2003 Regular Session of the 58<sup>th</sup> Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

ONE HUNDRED FIFTH DAY, APRIL 27, 2003

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

FIRST DAY

---

House Chamber, Olympia, Monday, May 12, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

**MESSAGE FROM THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2003 regular session on April 27, 2003, the 105<sup>th</sup> day of the session; and

WHEREAS, substantial work remains to be done with respect to biennial operating and capital budgets; and

WHEREAS, substantial work also remains to be done with respect to education, including the certificate of mastery, state assessment requirements, the learning assistance program, charter schools; and

WHEREAS, substantial work also remains to be done with respect to terrorism prevention, prohibiting discrimination on the basis of sexual orientation, water law reform, prescription drugs, unemployment insurance, worker's compensation, local government financing options, community revitalization financing, shared leave for military service, the internet pilot project for military and overseas voters; and

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at noon on Monday, May 12, 2003 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 28<sup>th</sup> day of April, A.D., two thousand and three.

**RESOLUTIONS**

**HOUSE RESOLUTION NO. 2003-4665, By Representative Pflug**

WHEREAS, Garret Augustus Hobart, who lived from 1844 to 1899, served in the New Jersey State Legislature for many years; and

WHEREAS, Garret Augustus Hobart also served as Vice-President of the United States under President William McKinley from 1897 to 1899; and

WHEREAS, Hobart, Washington was named after Garret Augustus Hobart; and

WHEREAS, There are three other cities in America named after Garret Augustus Hobart, in Indiana, New York, and Oklahoma, and there is a Hobart, Tasmania; and

WHEREAS, The Hobart Post Office was established in 1903; and

WHEREAS, Iver Iverson left Snohomish, Washington in 1910 to establish the Wood & Iverson Mill in Hobart, Washington; and

WHEREAS, The Wood & Iverson Mill Company bought the Hobart Store in 1915, which houses the Hobart Post Office; and

WHEREAS, The Hobart Post Office will be celebrating the 100th Anniversary of the Hobart Community with a special cancellation/postmark beginning on Friday, May 9, 2003; and



WHEREAS, The Hobart Post Office will be making the special cancellation/postmark celebrating the 100th Anniversary of the Hobart Community available at the Hobart Post Office, 20250 276th Avenue SE, Hobart, Washington, beginning May 9th and continuing for thirty days; and

WHEREAS, The Hobart Post Office Postmaster, Denise Lovejoy, said, "We're very excited about this special centennial celebration. We hope the entire community will come in and get the special cancellation/postmark for a keepsake.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the Washington State Legislature express its congratulations to the Town of Hobart for the Post Office's 100th Anniversary and encourage all the citizens of Washington state to join the people of Hobart in their celebration; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Hobart Post Office Postmaster, Denise Lovejoy, and Warren Iverson, grandson of Iver Iverson, present-day owner of the Hobart Market and the unofficial "Mayor of Hobart."

HOUSE RESOLUTION NO. 4665 was adopted.

HOUSE RESOLUTION NO. 2003-4666, By Representatives Quall and Morris

WHEREAS, The Sister City International program serves as an important bridge between the people and governments of Russia and the United States; and

WHEREAS, Such programs significantly contribute to the betterment of our societies and are the bedrock of deeper understanding between citizens of independent nations; and

WHEREAS, Economic, cultural, and diplomatic ties between our two nations are fostered by such relationships at a local level; and

WHEREAS, Understanding and collaboration between our two nations have never been more possible or more important; and

WHEREAS, Lomonosov and Anacortes are two cities committed to leading by example in their demonstrated ideals of mutual friendship and world peace; and

WHEREAS, The Washington State House of Representatives encourages the expansion of these programs for the further benefit of the citizens of both our countries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the important contributions such sister city relationships have yielded in the areas of friendship and cooperation between the cities of Anacortes and Lomonosov as well as the countries of Russia and the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the cities of Lomonosov, Russia and Anacortes, Washington.

HOUSE RESOLUTION NO. 4666 was adopted.

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

There being no objection, the House adjourned until 12:00 Noon, May 14, 2003, the 3<sup>rd</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIRST DAY, MAY 12, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

THIRD DAY

---

---

House Chamber, Olympia, Wednesday, May 14, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Allen Hayward and Glenn Wilkes.

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

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

There being no objection, the House adjourned until 12:00 Noon, May 16, 2003, the 5<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

***THIRD DAY, MAY 14, 2003***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

FIFTH DAY

---

---

House Chamber, Olympia, Friday, May 16, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

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

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

There being no objection, the House adjourned until 12:00 Noon, May 19, 2003, the 8<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

***FIFTH DAY, MAY 16, 2003***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

EIGHTH DAY

---

House Chamber, Olympia, Monday, May 19, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

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

**INTRODUCTION & FIRST READING**

HB 2282 by Representatives Grant, DeBolt, Sommers, Clements, Gombosky, Mielke and Fromhold

AN ACT Relating to the Washington state lottery commission's regulation of licenses for electronic scratch ticket gaming to specific licensees under RCW 9.46.0311 and 9.46.0325 and class I horse racing facilities under chapter 67.16 RCW; amending RCW 67.70.010 and 67.70.040; adding new sections to chapter 67.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

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

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

There being no objection, the House adjourned until 12:00 Noon, May 21, 2003, the 10<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

***EIGHTH DAY, MAY 19, 2003***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

TENTH DAY

---

House Chamber, Olympia, Wednesday, May 21, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

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

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

There being no objection, the House adjourned until 12:00 Noon, May 23, 2003, the 12<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

**JOURNAL OF THE HOUSE**

**TENTH DAY, MAY 21, 2003**

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

TWELFTH DAY

---

House Chamber, Olympia, Friday, May 23, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

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

**MESSAGE FROM THE SENATE**

May 23, 2003

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**INTRODUCTION & FIRST READING**

SCR 8411 by Senators Fraser and Esser

Authorizing a four-day period between floor sessions over the Memorial day holiday.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8411 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

**SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8411, By Senators Fraser and Esser**

**Authorizing a four-day period between floor sessions over the Memorial day holiday.**

The concurrent resolution was read the second time.

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

The Speaker (Representative Hunt presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted.

**MESSAGE FROM THE SENATE**

May 23, 2003

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the House adjourned until 12:00 Noon, May 27, 2003, the 16<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
TWELFTH DAY - MAY 23, 2003

***JOURNAL OF THE HOUSE***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

SIXTEENTH DAY

---

House Chamber, Olympia, Tuesday, May 27, 2003

The House was called to order at 12:00 Noon by the Speaker.

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

**SIGNED BY THE SPEAKER**

The Speaker signed:  
SENATE CONCURRENT RESOLUTION NO. 8411

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

There being no objection, the House adjourned until 12:00 Noon, May 30, 2003, the 19<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
SIXTEENTH DAY - MAY 27, 2003

JOURNAL OF THE HOUSE

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

NINETEENTH DAY

---

House Chamber, Olympia, Friday, May 30, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Hunt presiding).

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

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

There being no objection, the House adjourned until 12:00 Noon, June 2, 2003, the 22<sup>nd</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
NINETEENTH DAY - MAY 30, 2003

**JOURNAL OF THE HOUSE**

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

**TWENTY SECOND DAY**

---

House Chamber, Olympia, Monday, June 2, 2003

The House was called to order at 12:00 Noon by the Speaker.

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

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

There being no objection, the House adjourned until 12:00 Noon, June 3, 2003, the 23<sup>rd</sup> Day of the First Special Session.

FRANK CHOPP, Speaker      CYNTHIA ZEHNDER, Chief Clerk  
***TWENTY SECOND DAY - JUNE 2, 2003***

***JOURNAL OF THE HOUSE***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

**TWENTY THIRD DAY**

---

House Chamber, Olympia, Tuesday, June 3, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Rockefeller presiding).

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

**INTRODUCTION & FIRST READING**

HB 2283 by Representative Conway

AN ACT Relating to hearing loss due to occupational noise exposure, but only with respect to requiring claim filing within two years after retirement, requiring consideration of emerging hearing device technologies, and establishing permanent partial disability compensation at seventy-five percent

of the monetary value of such disability; amending RCW 51.28.055, 51.36.020, and 51.32.080; and creating a new section.

Referred to Committee on Commerce & Labor.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

There being no objection, the House adjourned until 12:00 Noon, June 4, 2003, the 24<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
TWENTY THIRD DAY - JUNE 3, 2003

### ***JOURNAL OF THE HOUSE***

---

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

#### **FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

#### **TWENTY FOURTH DAY**

---

House Chamber, Olympia, Wednesday, June 4, 2003

The House was called to order at 12:00 Noon by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bob Pearsall and Jim Lenzi. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Mary Skinner.

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

#### **INTRODUCTION & FIRST READING**

HB 2285 by Representatives Sommers and Sehlin

AN ACT Relating to cost-sharing in medical programs; amending RCW 74.09.055; providing an effective date; and declaring an emergency.

HCR 4408 by Representatives Kessler and DeBolt

Specifying the status of bills, memorials, and resolutions for the 2003 first special session of the fifty-eighth legislature.



There being no objection, HOUSE BILL NO. 2285 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4408 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

## **SECOND READING**

### **HOUSE CONCURRENT RESOLUTION NO. 4408, By Representatives Kessler and DeBolt**

#### **Specifying the status of bills, memorials, and resolutions for the 2003 first special session of the fifty-eighth legislature.**

The concurrent resolution was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4408.

HOUSE CONCURRENT RESOLUTION NO. 4408 was adopted.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2254 and HOUSE BILL NO. 2266 and the bills were placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

SUBSTITUTE HOUSE BILL NO. 1693,  
SUBSTITUTE HOUSE BILL NO. 1782,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,  
SUBSTITUTE HOUSE BILL NO. 2192,  
HOUSE BILL NO. 2242,  
SUBSTITUTE HOUSE BILL NO. 2257,

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

## **INTRODUCTION & FIRST READING**

### **HB 2284 by Representative Chandler**

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.28.055, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

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

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

## SECOND READING

### **HOUSE BILL NO. 2254, By Representatives Sommers, Fromhold and Moeller**

#### **Funding the state retirement systems.**

The bill was read the second time.

Representative Sommers moved the adoption of amendment (573):

On page 3, after line 17, insert the following:  
"(7) The July 1, 2003, contribution rate changes provided in this section shall be implemented notwithstanding the thirty-day advanced notice provisions of RCW 41.45.067."

Representatives Sommers and Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

## MOTIONS

On motion of Representative Clements, Representatives Buck, Delvin, Holmquist and Roach were excused. On motion of Representative Santos, Representatives Kessler and Moeller were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2254.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2254 and the bill passed the House by the following vote: Yeas - 73, Nays - 19, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Morris, Murray, Nixon, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Anderson, Boldt, Chandler, Cooper, Cox, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Pflug, Schoesler, Sump, Talcott and Tom - 19.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

ENGROSSED HOUSE BILL NO. 2254, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to voted YEA on ENGROSSED HOUSE BILL NO. 2254.

LOIS MCMAHAN, 49<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED HOUSE BILL NO. 2254.

DAN ROACH, 31<sup>st</sup> District

### **HOUSE BILL NO. 2266, By Representatives Hunt and Romero**

#### **Revising the state leave sharing program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2266.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2266 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

HOUSE BILL NO. 2266, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.2151

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1693, By House Committee on Appropriations (originally sponsored by Representatives Cody, Skinner, Clibborn and Morrell; by request of Department of Social and Health Services)**

**Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs.**

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1693.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1693 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

SUBSTITUTE HOUSE BILL NO. 1693 , having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Substitute House Bill No. 1693.

DAN ROACH, 31<sup>st</sup> District

**SUBSTITUTE HOUSE BILL NO. 2192, By House Committee on Finance (originally sponsored by Representatives Cody and Clements)**

**Taxing parimutuel machines.**

Representatives Cody and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2192.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2192 and the bill passed the House by the following vote: Yeas - 87, Nays - 5, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Woods and Mr. Speaker - 87.

Voting nay: Representatives Bush, Cox, Kristiansen, Schoesler and Wood - 5.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

SUBSTITUTE HOUSE BILL NO. 2192 , having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Substitute House Bill No. 2192.

DAN ROACH, 31<sup>st</sup> District

**HOUSE BILL NO. 2242, By Representative Dunshee**

**Concerning the definition of general state revenues.**

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2242.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2242 and the bill passed the House by the following vote: Yeas - 74, Nays - 18, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Bailey, Berkey, Blake, Bush, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Cairnes, Carrell, Chandler, Condotta, Cox, Crouse, Erickson, Hinkle, Kristiansen, McMahan, Mielke, Nixon, Schindler and Schoesler - 18.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

HOUSE BILL NO. 2242, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on HOUSE BILL NO. 2242.

DAN ROACH, 31<sup>st</sup> District

**SUBSTITUTE HOUSE BILL NO. 1782, By House Committee on Capital Budget (originally sponsored by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards)**

Creating a competitive grant program for nonprofit youth organizations.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1782 was returned to Second Reading for purpose of amendment.

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

**SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 1782, By House Committee on Capital Budget (originally sponsored by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards)**

## **Creating a competitive grant program for nonprofit youth organizations.**

Representative Dunshee moved the adoption of amendment (575):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that nonprofit youth organizations provide a variety of services for the youth of Washington state, including many services that enable young people, especially those facing challenging and disadvantaged circumstances, to realize their full potential as productive, responsible, and caring citizens. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community, trade, and economic development must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

(2) The department of community, trade, and economic development must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of community, trade, and economic development must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department of community, trade, and economic development. The department of community, trade, and economic development must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. Projects must have a major recreational component, and must have either an educational or social service component. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the services it provides to youth. The evaluation and ranking process must also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department of community, trade, and economic development must submit a prioritized list of recommended projects to the governor and the legislature in the department of community, trade, and economic development's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed two million dollars. The department of community, trade, and economic development may provide an additional alternate project list that must not exceed five hundred thousand dollars. The department of community, trade, and economic development may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department of community, trade, and economic development must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant."

Correct the title.

Representatives Dunshee and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1782.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1782 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782.

DAN ROACH, 31<sup>st</sup> District

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

## THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, By House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)**

**Prioritizing proposed higher education capital projects.**

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151 was returned to Second Reading for purpose of amendment.

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

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, By House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)**

**Prioritizing proposed higher education capital projects.**

Representative Alexander moved the adoption of the following amendment (576):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that a capital investment in higher education facilities is needed over the next several biennia to adequately preserve, modernize, and expand the capacity of the state's public two-year and four-year colleges and universities. This investment is needed to responsibly preserve and restore existing facilities and to provide additional space for new students. Further, the legislature finds that capital appropriations will need to respond to each of these areas of need in a planned, balanced, and prioritized manner so that access to a quality system of higher education is ensured.

(2) It is the intent of the legislature that a methodology be developed that will guide capital appropriation decisions by rating and individually ranking, in sequential, priority order, all major capital projects proposed by the two-year and four-year public universities and colleges. Further, it is the intent of the legislature that this rating, ranking, and prioritization of capital needs will reflect the state's higher education policies and goals including the comprehensive master plan for higher education as submitted by the higher education coordinating board and as adopted by the legislature.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) Beginning with the 2005-2007 biennial capital budget submittal, the public four-year institutions, in consultation with the council of presidents and the higher education coordinating board, shall prepare a single prioritized individual ranking of the individual projects proposed by the four-year institutions as provided in subsection (2) of this section. The public four-year institutions may aggregate minor works project requests into priority categories without separately ranking each minor project, provided that these aggregated minor works requests are ranked within the overall list. For repairs and improvements to existing facilities and systems, the rating and ranking of individual projects must be based on criteria or factors that include, but are not limited to, the age and condition of buildings or systems, the programmatic suitability of the building or system, and the activity/occupancy level supported by the building or system. For projects creating new space or capacity, the ratings and rankings of projects must be based upon criteria or factors that include, but are not limited to, measuring existing capacity and progress toward meeting increased space utilization levels as determined by the higher education coordinating board.

(2) The single prioritized four-year project list shall be approved by the governing boards of each public four-year institution and shall be submitted to the office of financial management and the higher education coordinating board concurrent with the institution's submittal of their biennial capital budget requests.

(3)(a) The higher education coordinating board, in consultation with the office of financial management and the joint legislative audit and review committee, shall develop common definitions that public four-year institutions and the state board for community and technical colleges shall use in developing their project lists under this section.

(b) As part of its duties under RCW 28B.80.330(4), the higher education coordinating board shall, as part of its biennial budget guidelines, disseminate, by December 1st of each odd-numbered year, the criteria framework, including general definitions, categories, and rating system, to be used by the public four-year institutions in the development of the prioritized four-year project list. The criteria framework shall specify the general priority order of project types based on criteria determined by the board, in consultation with the public four-year institutions.

(c) Under RCW 28B.80.330(4), the public four-year institutions shall submit a preliminary prioritized four-year project list to the higher education coordinating board by August 1st of each even-numbered year.

(d) The state board for community and technical colleges shall, as part of its biennial capital budget request, submit a single prioritized ranking of the individual projects proposed for the community and technical colleges. The state board for community and technical colleges shall submit an outline of the prioritized community and technical college project list to the higher education coordinating board under RCW 28B.80.330(4) by August 1st of each even-numbered year.

(4) The higher education coordinating board, in consultation with the public four-year institutions, shall resolve any disputes or disagreements arising among the four-year institutions concerning the ranking of particular projects. Further, should one or more governing boards of the public four-year institutions fail to approve the prioritized four-year project list as required in this section, or should a prioritized project list not be submitted by the public four-year institutions concurrent with the submittal of their respective biennial capital budget requests as provided in subsection (2) of this section, the higher education coordinating board shall prepare the prioritized four-year institution project list itself.

(5) In developing any rating and ranking of capital projects proposed by the two-year and four-year public universities and colleges, the board:

(a) Shall be provided with available information by the public two-year and four-year institutions as deemed necessary by the board;

(b) May utilize independent services to verify, sample, or evaluate information provided to the board by the two-year and four-year institutions; and

(c) Shall have full access to all data maintained by the office of financial management and the joint legislative audit and review committee concerning the condition of higher education facilities.

(6) Beginning with the 2005-2007 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and four-year colleges and universities, submit its capital budget recommendations and the separate two-year and four-year prioritized project lists."

Correct the title.

Representatives Alexander and Dunshee spoke in favor of adoption of the amendment.



The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2151.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2151 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representative Romero - 1.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151.

DAN ROACH, 31<sup>st</sup> District

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

### **THIRD READING**

**SUBSTITUTE HOUSE BILL NO. 2257, By House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)**

**Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.**

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 2257 was returned to Second Reading for purpose of amendment.

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

### **SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 2257, By House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)**

**Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.**

Representative Sommers moved the adoption of the following amendment (574):

On page 1, line 15, strike "July" and insert "August"

On page 1, line 16, strike "July" and insert "August"

Representatives Sommers and Sehlin spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2257.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2257 and the bill passed the House by the following vote: Yeas - 85, Nays - 7, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hunt, Hunter, Jarrett, Kagi, Kenney, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Chase, Conway, Hudgins, Kirby, Linville, Simpson and Veloria - 7.

Excused: Representatives Buck, Delvin, Holmquist, Kessler, Moeller and Roach - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257.

DAN ROACH, 31<sup>st</sup> District

**MESSAGES FROM THE SENATE**

June 4, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4408, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 4, 2003

Mr. Speaker:

The Senate declares that ENGROSSED SUBSTITUTE SENATE BILL NO. 5404 is in dispute and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Rossi, Fairley and Zarelli

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, and the Speaker (Representative Lovick presiding) appointed Representatives Sommers, Fromhold and Sehlin as conferees.

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

There being no objection, the House adjourned until 10:00 a.m., June 5, 2003, the 25<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

***TWENTY FOURTH DAY, JUNE 4, 2003***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

TWENTY FIFTH DAY

---

House Chamber, Olympia, Thursday, June 5, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard Dave Warnke and Bill Spence. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Sandra Romero.

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

**MESSAGES FROM THE SENATE**

June 4, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 4, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1693,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,  
ENGROSSED HOUSE BILL NO. 2254,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 4, 2003

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6059, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**INTRODUCTION & FIRST READING**

HB 2286 by Representative McDonald

AN ACT Relating to ensuring equal educational opportunities; amending RCW 28B.12.060, 28B.12.060, 28B.80.245, 28B.101.040, and 28B.119.010; repealing RCW 28B.10.814; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

E2SSB 5341 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)

AN ACT Relating to a quality maintenance fee levied on nursing facilities; adding new sections to chapter 74.46 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing effective dates; providing a contingent expiration date; and declaring an emergency.

ESSB 6058 by Senate Committee on Ways & Means (originally sponsored by Senator Oke; by request of Office of Financial Management)

AN ACT Relating to the distribution of state property taxes; and amending RCW 84.52.068.

SB 6059 by Senator Oke; by request of Office of Financial Management

AN ACT Relating to teachers' cost-of-living increases; and amending RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468.

There being no objection, the following bills were read the first time in full, and were placed on the Second Reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6059,

There being no objection, HOUSE BILL NO. 2286 was referred to the committee so designated.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 2252, and the bill was placed on the Second Reading calendar.

There being no objection, the Committee on Finance was relieved of further consideration of HOUSE BILL NO. 2269, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 1288, and the bill was placed on the Third Reading calendar.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1693,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,  
ENGROSSED HOUSE BILL NO. 2254,  
HOUSE CONCURRENT RESOLUTION NO. 4408,

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

**SECOND READING**

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341, By Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)**

**Establishing a quality maintenance fee on nursing facilities.**

The bill was read the second time.

**MOTION**

On motion of Representative Clements, Representative Roach was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Sehlin spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5341.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5341 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Boldt, Carrell, Chase, Kristiansen, McMahan, Mielke, Nixon and Orcutt - 8.

Excused: Representative Roach - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341.

DAN ROACH, 31<sup>st</sup> District

**HOUSE BILL NO. 2269, By Representative Gombosky**

**Relating to increasing revenue.**

The bill was read the second time.

Representative McIntire moved the adoption of the following amendment (577):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 63.29.020 and 1992 c 122 s 1 are each amended to read as follows:

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than ~~((five))~~ three years after it became payable or distributable is presumed abandoned.

(2) Property, with the exception of unredeemed Washington state lottery tickets and unrepresented winning parimutuel tickets, is payable and distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) This chapter does not apply to claims drafts issued by insurance companies representing offers to settle claims unliquidated in amount or settled by subsequent drafts or other means.

(4) This chapter does not apply to property covered by chapter 63.26 RCW.

(5) This chapter does not apply to used clothing, umbrellas, bags, luggage, or other used personal effects if such property is disposed of by the holder as follows:

(a) In the case of personal effects of negligible value, the property is destroyed; or

(b) The property is donated to a bona fide charity.

**Sec. 2.** RCW 63.29.050 and 1983 c 179 s 5 are each amended to read as follows:

(1) Any sum payable on a check, draft, or similar instrument, except those subject to RCW 63.29.040, on which a banking or financial organization is directly liable, including a cashier's check and a certified check, which has been outstanding for more than ~~((five))~~ three years after it was payable or after its issuance if payable on demand, is presumed abandoned, unless the owner, within ~~((five))~~ three years, has communicated in writing with the banking or financial organization concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee thereof.

(2) A holder may not deduct from the amount of any instrument subject to this section any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the holder and the owner of the instrument pursuant to which the holder may impose a charge, and the holder regularly imposes such charges and does not regularly reverse or otherwise cancel them.

**Sec. 3.** RCW 63.29.060 and 1983 c 179 s 6 are each amended to read as follows:

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including a deposit that is automatically renewable, and any funds paid toward the purchase of a share, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned unless the owner, within ~~((five))~~ three years, has:

(a) In the case of a deposit, increased or decreased its amount or presented the passbook or other similar evidence of the deposit for the crediting of interest;

(b) Communicated in writing with the banking or financial organization concerning the property;

(c) Otherwise indicated an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization;

(d) Owned other property to which subsection (1)(a), (b), or (c) of this section applies and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned under this subsection at the address to which communications regarding the other property regularly are sent; or

(e) Had another relationship with the banking or financial organization concerning which the owner has:

(i) In the case of a deposit, increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest;

(ii) Communicated in writing with the banking or financial organization; or

(iii) Otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the banking or financial organization and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be abandoned under this subsection at the address to which communications regarding the other relationship regularly are sent.

(2) For purposes of subsection (1) of this section property includes interest and dividends.

(3) This chapter shall not apply to deposits made by a guardian or decedent's personal representative with a banking organization when the deposit is subject to withdrawal only upon the order of the court in the guardianship or estate proceeding.

(4) A holder may not impose with respect to property described in subsection (1) of this section any charge due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the owner of the property pursuant to which the holder may impose a charge or cease payment of interest;

(b) For property in excess of ten dollars, the holder, no more than three months before the initial imposition of those charges or cessation of interest, has given written notice to the owner of the amount of those charges at the last known address of the owner stating that those charges will be imposed or that interest will

cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before June 30, 1983; and

(c) The holder regularly imposes such charges or ceases payment of interest and does not regularly reverse or otherwise cancel them or retroactively credit interest with respect to the property.

(5) Any property described in subsection (1) of this section that is automatically renewable is matured for purposes of subsection (1) of this section upon the expiration of its initial time period, or after one year if the initial period is less than one year, but in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in RCW 63.29.190, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

**Sec. 4.** RCW 63.29.070 and 1983 c 179 s 7 are each amended to read as follows:

(1) Funds held or owing under any life or endowment insurance policy or annuity contract that has matured or terminated are presumed abandoned if unclaimed for more than ~~((five))~~ three years after the funds became due and payable as established from the records of the insurance company holding or owing the funds, but property described in subsection (3)(b) of this section is presumed abandoned if unclaimed for more than two years.

(2) If a person other than the insured or annuitant is entitled to the funds and an address of the person is not known to the company or it is not definite and certain from the records of the company who is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the company.

(3) For purposes of this chapter, a life or endowment insurance policy or annuity contract not matured by actual proof of the death of the insured or annuitant according to the records of the company is matured and the proceeds due and payable if:

(a) The company knows that the insured or annuitant has died; or

(b)(i) The insured has attained, or would have attained if he were living, the limiting age under the mortality table on which the reserve is based;

(ii) The policy was in force at the time the insured attained, or would have attained, the limiting age specified in subparagraph (i) of this subsection; and

(iii) Neither the insured nor any other person appearing to have an interest in the policy within the preceding two years, according to the records of the company, has assigned, readjusted, or paid premiums on the policy, subjected the policy to a loan, corresponded in writing with the company concerning the policy, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by an employee of the company.

(4) For purposes of this chapter, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from being matured or terminated under subsection (1) of this section if the insured has died or the insured or the beneficiaries of the policy otherwise have become entitled to the proceeds thereof before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) If the laws of this state or the terms of the life insurance policy require the company to give notice to the insured or owner that an automatic premium loan provision or other nonforfeiture provision has been exercised and the notice, given to an insured or owner whose last known address according to the records of the company is in this state, is undeliverable, the company shall make a reasonable search to ascertain the policyholder's correct address to which the notice must be mailed.

(6) Notwithstanding any other provision of law, if the company learns of the death of the insured or annuitant and the beneficiary has not communicated with the insurer within four months after the death, the company shall take reasonable steps to pay the proceeds to the beneficiary.

(7) Commencing two years after June 30, 1983, every change of beneficiary form issued by an insurance company under any life or endowment insurance policy or annuity contract to an insured or owner who is a resident of this state must request the following information:

(a) The name of each beneficiary, or if a class of beneficiaries is named, the name of each current beneficiary in the class;

(b) The address of each beneficiary; and

(c) The relationship of each beneficiary to the insured.

**Sec. 5.** RCW 63.29.100 and 1996 c 45 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (5) of this section, stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution, or



other sum payable as a result of the interest has remained unclaimed by the owner for ~~((five))~~ three years and the owner within ~~((five))~~ three years has not:

(a) Communicated in writing with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest; or

(b) Otherwise communicated with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association prepared by an employee of the association.

(2) At the expiration of a ~~((five-year))~~ three-year period following the failure of the owner to claim a dividend, distribution, or other sum payable to the owner as a result of the interest, the interest is not presumed abandoned unless there have been at least five dividends, distributions, or other sums paid during the period, none of which has been claimed by the owner. If five dividends, distributions, or other sums are paid during the ~~((five-year))~~ three-year period, the period leading to a presumption of abandonment commences on the date payment of the first such unclaimed dividend, distribution, or other sum became due and payable. If five dividends, distributions, or other sums are not paid during the presumptive period, the period continues to run until there have been five dividends, distributions, or other sums that have not been claimed by the owner.

(3) The running of the ~~((five-year))~~ three-year period of abandonment ceases immediately upon the occurrence of a communication referred to in subsection (1) of this section. If any future dividend, distribution, or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution, or other sum became due and payable.

(4) At the time any interest is presumed abandoned under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(5) This chapter shall not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest unless:

(a) The records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within ~~((five))~~ three years communicated in any manner described in subsection (1) of this section; or

(b) ~~((Five))~~ Three years have elapsed since the location of the owner became unknown to the association, as evidenced by the return of official shareholder notifications or communications by the postal service as undeliverable, and the owner has not within those ~~((five))~~ three years communicated in any manner described in subsection (1) of this section. The ~~((five-year))~~ three-year period from the return of official shareholder notifications or communications shall commence from the earlier of the return of the second such mailing or the date the holder discontinues mailings to the shareholder.

**Sec. 6.** RCW 63.29.120 and 1983 c 179 s 12 are each amended to read as follows:

(1) Intangible property and any income or increment derived therefrom held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner, within ~~((five))~~ three years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file prepared by the fiduciary.

(2) Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established pursuant to the internal revenue laws of the United States are not payable or distributable within the meaning of subsection (1) of this section unless, under the terms of the account or plan, distribution of all or part of the funds would then be mandatory.

(3) For the purpose of this section, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between him and the business association provides otherwise.

(4) For the purposes of this chapter, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.

**Sec. 7.** RCW 63.29.140 and 1983 c 179 s 14 are each amended to read as follows:

(1) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than ~~((five))~~ three years after becoming payable or distributable is presumed abandoned.

(2) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

**Sec. 8.** RCW 82.32.045 and 1999 c 357 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty-five))~~ twenty days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twenty-eight thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

**Sec. 9.** RCW 82.23B.020 and 2000 c 69 s 25 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within ~~((twenty-five))~~ twenty days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

**Sec. 10.** RCW 82.27.060 and 1990 c 214 s 1 are each amended to read as follows:

The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made within ~~((twenty-five))~~ twenty days after the end of the month in which the taxable activity occurs. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the gross measure of the tax, any deductions, credits, or exemptions claimed, and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year. In such cases tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

**Sec. 11.** RCW 82.04.180 and 1985 c 414 s 6 are each amended to read as follows:

(1) "Successor" means:

(a) Any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, ~~((a major part of the materials, supplies, merchandise, inventory, fixtures, or equipment))~~ more than fifty percent of the fair market value of either the (i) tangible assets or (ii) intangible assets of the taxpayer; or

(b) A surviving corporation of a statutory merger.

(2) Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

**Sec. 12.** RCW 82.32.140 and 1985 c 414 s 7 are each amended to read as follows:

(1) Whenever any taxpayer quits business, or sells out, exchanges, or otherwise disposes of ~~((his business or his stock of goods))~~ more than fifty percent of the fair market value of either its tangible or intangible assets, any tax payable hereunder shall become immediately due and payable, and such taxpayer shall, within ten days thereafter, make a return and pay the tax due(~~(-and)~~).

(2) Any person who becomes a successor shall ~~((become liable for the full amount of the tax and))~~ withhold from the purchase price a sum sufficient to pay any tax due from the taxpayer until such time as the taxpayer shall produce a receipt from the department of revenue showing payment in full of any tax due or a certificate that no tax is due ~~((and, if such))~~. If any tax is not paid by the taxpayer within ten days from the date of such sale, exchange, or disposal, the successor shall become liable for the payment of the full amount of tax(~~(-and the payment thereof by such))~~. If the fair market value of the assets acquired by a successor is less than fifty thousand dollars, the successor's liability for payment of the unpaid tax is limited to the fair market value of the assets acquired from the taxpayer. The burden of establishing the fair market value of the assets acquired is on the successor.

(3) The payment of any tax by a successor shall, to the extent thereof, be deemed a payment upon the purchase price(~~(-))~~; and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due ~~((such))~~ the successor from the taxpayer.

(4) No successor shall be liable for any tax due from the person from whom ~~((he))~~ the successor has acquired a business or stock of goods if ~~((he))~~ the successor gives written notice to the department of revenue of such acquisition and no assessment is issued by the department of revenue within six months of receipt of such notice against the former operator of the business and a copy thereof mailed to ~~((such))~~ the successor.

**Sec. 13.** RCW 82.32.090 and 2000 c 229 s 7 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of ~~((ten))~~ fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of ~~((twenty))~~

twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax is due, there shall be assessed a penalty of five percent of the amount of the tax determined by the department to be due; and if payment of any tax ((assessed) determined by the department ((of revenue)) to be due is not received by the department by the due date specified in the notice, or any extension thereof, ((the department shall add a penalty of ten percent of the amount of the additional tax found due)) there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of ~~((five))~~ ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department shall impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department shall not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

~~((5))~~ (6) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

~~((6))~~ (7) ~~The ((aggregate of)) penalties imposed under subsections (1)((, (2), and (3))) through (4) of this section ((shall not exceed thirty five percent of the tax due, or twenty dollars, whichever is greater)) can each be imposed on the same tax found to be due.~~ This subsection does not prohibit or restrict the application of other penalties authorized by law.

~~((7))~~ (8) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

~~((8))~~ (9) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date.

**NEW SECTION. Sec. 14.** Except as otherwise provided in this section, section 13 of this act applies to all penalties imposed after June 30, 2003. The five percent penalty imposed in section 13(2) of this act applies to all assessments originally issued after June 30, 2003.

**NEW SECTION. Sec. 15.** A new section is added to chapter 82.32 RCW to read as follows:

(1) A promoter of a special event within the state of Washington shall not permit a vendor to make or solicit retail sales of tangible personal property or services at the special event unless the promoter obtains verification that the vendor has obtained a certificate of registration from the department.

(2) A promoter of a special event shall:

(a) Keep, in addition to the records required under RCW 82.32.070, a record of the dates and place of each special event, and the name, address, and registration certificate number of vendors permitted to make or solicit retail sales of tangible personal property or services at the special event; and

(b) Provide to the department, within twenty days of receipt of a written request from the department, a list of vendors permitted to make or solicit retail sales of tangible personal property or services. The list shall be in a form and contain such information as the department may require, and shall include the date and place of the event, and the name, address, and registration certificate number of each vendor.

(3) If a promoter fails to comply with the provisions of this section, the promoter is liable for the penalties provided in this subsection (3).

(a) If a promoter fails to comply with the provisions of subsection (1) of this section, the department shall impose a penalty of one hundred dollars for each vendor permitted to make or solicit retail sales of tangible personal property or services at the special event.

(b) If a promoter fails to comply with the provisions of subsection (2)(b) of this section, the department shall impose a penalty of:

(i) Two hundred fifty dollars if the information requested is not received by the department within twenty days of the department's written request; and

(ii) One hundred dollars for each vendor for whom the information as required by subsection (2)(b) of this section is not provided to the department.

(4) The aggregate of penalties imposed under subsection (3) of this section may not exceed two thousand five hundred dollars for a special event if the promoter has not previously been penalized under this section. Under no circumstances is a promoter liable for sales tax or business and occupation tax not remitted to the department by a vendor at a special event.

(5) The department shall notify a promoter by mail of any penalty imposed under this section, and the penalty shall be due within thirty days from the date of the notice. If any penalty imposed under this section is not received by the department by the due date, there shall be assessed interest on the unpaid amount beginning the day following the due date until the penalty is paid in full. The rate of interest shall be computed on a daily basis on the amount of outstanding penalty at the rate as computed under RCW 82.32.050(2). The rate computed shall be adjusted annually in the same manner as provided in RCW 82.32.050(1)(c).

(6) For purposes of this section:

(a) "Promoter" means a person who organizes, operates, or sponsors a special event and who contracts with vendors for participation in the special event.

(b) "Special event" means an entertainment, amusement, recreational, educational, or marketing event, whether held on a regular or irregular basis, at which more than one vendor makes or solicits retail sales of tangible personal property or services. The term includes, but is not limited to: Auto shows, recreational vehicle shows, boat shows, home shows, garden shows, hunting and fishing shows, stamp shows, comic book shows, sports memorabilia shows, craft shows, art shows, antique shows, flea markets, exhibitions, festivals, concerts, swap meets, bazaars, carnivals, athletic contests, circuses, fairs, or other similar activities. "Special event" does not include an event that is organized for the exclusive benefit of any nonprofit organization as defined in RCW 82.04.3651. An event is organized for the exclusive benefit of a nonprofit organization if all of the gross proceeds of retail sales of all vendors at the event inure to the benefit of the nonprofit organization on whose behalf the event is being held. "Special event" does not include athletic contests that involve competition between teams, when such competition consists of more than five contests in a calendar year by at least one team at the same facility or site.

(c) "Vendor" means a person who, at a special event, makes or solicits retail sales of tangible personal property or services.

(7) This section does not apply to:

(a) A special event whose promoter does not charge more than two hundred dollars for a vendor to participate in a special event;

(b) A special event whose promoter charges a percentage of sales instead of, or in addition to, a flat charge for a vendor to participate in a special event if the promoter, in good faith, believes that no vendor will pay more than two hundred dollars to participate in the special event; or

(c) A person who does not organize, operate, or sponsor a special event, but only provides a venue, supplies, furnishings, fixtures, equipment, or services to a promoter of a special event.

**Sec. 16.** RCW 82.32.020 and 1983 c 3 s 220 are each amended to read as follows:

For the purposes of this chapter:

The meaning attributed in chapters 82.01 through 82.27 RCW to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," "retail sale," and "value of products" shall apply equally to the provisions of this chapter.

**NEW SECTION. Sec. 17.** (1) Sections 8 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect August 1, 2003.

(2) Sections 11 through 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

(3) Sections 1 through 7 of this act take effect January 1, 2004."

Correct the title.

Representatives McIntire and Sehlin spoke in favor of adoption of the amendment.

Representative Cairnes spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and McIntire spoke in favor of passage of the bill.

Representative Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2269.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2269 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Bailey, Berkey, Blake, Buck, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Boldt, Bush, Cairnes, Campbell, Carrell, Condotta, Cox, Crouse, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Shabro, Sump and Woods - 30.

Excused: Representative Roach - 1.

ENGROSSED HOUSE BILL NO. 2269, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on ENGROSSED HOUSE BILL NO. 2269.

DAN ROACH, 31<sup>ST</sup> District

### **HOUSE BILL NO. 2285, By Representatives Sommers and Sehlin**

**Authorizing DSHS to establish cost-sharing requirements for recipients of medical programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2285.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2285 and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Campbell, Chandler, Clements, Clibborn, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McIntire, McMorris, Miloscia, Morris, Murray, Newhouse, Nixon, O'Brien, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Cairnes, Carrell, Chase, Cody, Dickerson, Flannigan, Hudgins, Kagi, Kenney, Kristiansen, McDermott, McDonald, McMahan, Mielke, Moeller, Morrell, Orcutt, Pearson, Pettigrew, Santos, Schual-Berke, Simpson, Upthegrove and Veloria - 24.

Excused: Representative Roach - 1.

HOUSE BILL NO. 2285, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2285.

PAT LANTZ, 26<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on HOUSE BILL NO. 2285.

DAN ROACH, 31<sup>st</sup> District

### MESSAGES FROM THE SENATE

June 5, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5028,  
ENGROSSED SENATE BILL NO. 5463,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2192,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 4, 2003

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Milt H. Doumit, Secretary

## REPORT OF CONFERENCE COMMITTEE

June 4, 2003

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, Making 2003-05 operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted

and that the bill do pass as recommended by the Conference Committee.

Senators Rossi, Zarelli and Fairley Representatives Sommers, Fromhold and Sehlin

Strike everything after the enacting clause and insert the following:

### **'PART I GENERAL GOVERNMENT**

#### **NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2004) \$28,109,000  
General Fund--State Appropriation (FY 2005) \$28,233,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,000  
TOTAL APPROPRIATION \$56,387,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

#### **NEW SECTION. Sec. 102. FOR THE SENATE SENATE**

General Fund--State Appropriation (FY 2004) \$22,001,000  
General Fund--State Appropriation (FY 2005) \$23,173,000  
Department of Retirement Systems Expense Account--State Appropriation \$45,000  
TOTAL APPROPRIATION \$45,219,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

#### **NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE  
General Fund--State Appropriation (FY 2004) \$1,627,000  
General Fund--State Appropriation (FY 2005) \$1,717,000  
TOTAL APPROPRIATION \$3,344,000

#### **NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE  
General Fund--State Appropriation (FY 2004) \$1,656,000  
General Fund--State Appropriation (FY 2005) \$1,799,000  
TOTAL APPROPRIATION \$3,455,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the legislative evaluation and accountability program committee, in consultation with the economic and revenue forecast council, to establish and maintain a set of economic



indicators that could be used for adjusting the statewide salary schedule by a regional cost-of-living index. The economic indicators to be included in this index include but are not limited to the median cost of housing.

(1) In developing the regional cost-of-living index, the legislative evaluation and accountability program committee shall collect data on the economic activity comprising the cost-of-living indexes for geographic areas of the state coterminous with the boundaries of the nine educational service districts established under RCW 28A.310.010.

(2) Not later than July 1, 2004, the legislative evaluation and accountability program committee shall submit the regional cost-of-living index to an advisory committee for its review. The advisory committee shall be appointed by the governor and shall consist of one member representing the office of financial management, one member representing the employment security department, one member representing the office of the superintendent of public instruction, and three representatives of the private sector having demonstrated expertise in regional economics. The advisory committee shall not receive compensation for performance of its duties but may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) Not later than October 1, 2004, the advisory committee created under this section shall submit to the director of the legislative evaluation and accountability program committee written comment on the proposed regional cost-of-living index. The written comment may include recommendations for revision to the index or its components.

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY**  
**OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account--State Appropriation \$2,616,000

The appropriation in this section is subject to the following conditions and limitations: \$178,000 of the department of retirement systems expense account--state appropriation is provided solely for the costs associated with leasing and moving into new office space.

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**  
**JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2004) \$6,754,000  
General Fund--State Appropriation (FY 2005) \$6,753,000  
TOTAL APPROPRIATION \$13,507,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**  
**STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2004) \$3,851,000  
General Fund--State Appropriation (FY 2005) \$3,955,000  
TOTAL APPROPRIATION \$7,806,000

**NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.**  
**LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

**NEW SECTION. Sec. 109. FOR THE SUPREME COURT**  
**SUPREME COURT**

General Fund--State Appropriation (FY 2004) \$5,462,000  
General Fund--State Appropriation (FY 2005) \$5,665,000  
TOTAL APPROPRIATION \$11,127,000

**NEW SECTION. Sec. 110. FOR THE LAW LIBRARY**  
**LAW LIBRARY**

General Fund--State Appropriation (FY 2004) \$2,045,000  
General Fund--State Appropriation (FY 2005) \$2,050,000  
TOTAL APPROPRIATION \$4,095,000

**NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS**  
**COURT OF APPEALS**

General Fund--State Appropriation (FY 2004) \$12,510,000  
General Fund--State Appropriation (FY 2005) \$12,747,000

TOTAL APPROPRIATION \$25,257,000

**NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT**  
COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2004) \$913,000  
General Fund--State Appropriation (FY 2005) \$915,000  
TOTAL APPROPRIATION \$1,828,000

**NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS**  
ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004) \$17,295,000  
General Fund--State Appropriation (FY 2005) \$17,340,000  
Public Safety and Education Account--State Appropriation \$43,389,000  
Judicial Information Systems Account--State Appropriation \$27,903,000  
TOTAL APPROPRIATION \$105,927,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(3) \$12,572,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.

(4) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(6) The distributions made under subsection (6) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the department no later than 45 days after the end of the fiscal year. The department shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the

Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

**NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE**  
**OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2004) \$666,000  
General Fund--State Appropriation (FY 2005) \$884,000  
Public Safety and Education Account--State Appropriation \$12,395,000  
TOTAL APPROPRIATION \$13,945,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$51,000 of the public safety and education account appropriation is provided solely for the office of public defense's costs in implementing chapter 303, Laws of 1999 (court funding).

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

**NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR**  
**OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2004) \$3,773,000  
General Fund--State Appropriation (FY 2005) \$3,776,000  
General Fund--Federal Appropriation \$1,140,000  
Water Quality Account--State Appropriation \$3,854,000  
TOTAL APPROPRIATION \$12,543,000

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

**NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR**  
**LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2004) \$549,000  
General Fund--State Appropriation (FY 2005) \$549,000  
TOTAL APPROPRIATION \$1,098,000

**NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION**  
**PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2004) \$1,790,000  
General Fund--State Appropriation (FY 2005) \$1,771,000  
TOTAL APPROPRIATION \$3,561,000

**NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE**  
**SECRETARY OF STATE**

General Fund--State Appropriation (FY 2004) \$24,336,000  
General Fund--State Appropriation (FY 2005) \$17,092,000  
General Fund--Federal Appropriation \$6,967,000  
Archives and Records Management Account--State Appropriation \$8,150,000  
Department of Personnel Service Account--State Appropriation \$699,000  
Election Account--Federal Appropriation \$13,121,000  
Local Government Archives Account--State Appropriation \$7,067,000  
TOTAL APPROPRIATION \$77,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.

**NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**  
GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$228,000

General Fund--State Appropriation (FY 2005) \$239,000

TOTAL APPROPRIATION \$467,000

**NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**  
COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$194,000

General Fund--State Appropriation (FY 2005) \$194,000

TOTAL APPROPRIATION \$388,000

**NEW SECTION. Sec. 121. FOR THE STATE TREASURER**  
STATE TREASURER

State Treasurer's Service Account--State Appropriation \$13,149,000

**NEW SECTION. Sec. 122. FOR THE STATE AUDITOR**  
STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$701,000

General Fund--State Appropriation (FY 2005) \$702,000

State Auditing Services Revolving Account--State Appropriation \$12,810,000

TOTAL APPROPRIATION \$14,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$701,000 of the general fund--state appropriation for fiscal year 2004 and \$702,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

**NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

**CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2004) \$83,000  
General Fund--State Appropriation (FY 2005) \$157,000  
TOTAL APPROPRIATION \$240,000

**NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**  
**ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2004) \$4,057,000  
General Fund--State Appropriation (FY 2005) \$4,109,000  
General Fund--Federal Appropriation \$2,845,000  
Public Safety and Education Account--State Appropriation \$1,814,000  
Tobacco Prevention and Control Account--State Appropriation \$270,000  
New Motor Vehicle Arbitration Account--State Appropriation \$1,180,000  
Legal Services Revolving Account--State Appropriation \$165,275,000  
TOTAL APPROPRIATION \$179,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

**NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL**  
**CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$638,000  
General Fund--State Appropriation (FY 2005) \$639,000  
TOTAL APPROPRIATION \$1,277,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2004) \$61,459,000  
General Fund--State Appropriation (FY 2005) \$60,801,000  
General Fund--Federal Appropriation \$213,287,000  
General Fund--Private/Local Appropriation \$10,574,000  
Public Safety and Education Account--State Appropriation \$10,095,000  
Public Works Assistance Account--State Appropriation \$1,913,000  
Building Code Council Account--State Appropriation \$1,061,000  
Administrative Contingency Account--State Appropriation \$1,776,000  
Low-Income Weatherization Assistance Account--State Appropriation \$3,293,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$9,013,000  
Manufactured Home Installation Training Account--State Appropriation \$256,000  
Community Economic Development Account--State Appropriation \$1,909,000  
Washington Housing Trust Account--State Appropriation \$16,740,000  
Public Facility Construction Loan Revolving Account--State Appropriation \$622,000  
Lead Paint Account--State Appropriation \$6,000  
TOTAL APPROPRIATION \$392,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

- (a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$197,154 to the department for grants to support tribal law enforcement needs;
- (e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$687,155 to the department to continue domestic violence legal advocacy;
- (h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (j) \$89,705 to the department to continue the governor's council on substance abuse;
- (k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;
- (l) \$572,919 to the office of financial management for criminal history records improvement; and
- (m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$697,000 of the community economic development account appropriation is provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the

department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services.

(14) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

**NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL  
ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2004) \$518,000

General Fund--State Appropriation (FY 2005) \$519,000

TOTAL APPROPRIATION \$1,037,000

**NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT  
OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2004) \$12,662,000

General Fund--State Appropriation (FY 2005) \$12,383,000

General Fund--Federal Appropriation \$23,500,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$242,000

State Auditing Services Revolving Account--State Appropriation \$25,000

TOTAL APPROPRIATION \$48,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$127,000 of the general fund--state appropriation for fiscal year 2004 and \$122,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

**NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**  
OFFICE OF ADMINISTRATIVE HEARINGS  
Administrative Hearings Revolving Account--State Appropriation \$24,619,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL**  
DEPARTMENT OF PERSONNEL  
Department of Personnel Service Account--State Appropriation \$16,247,000  
Higher Education Personnel Services Account--State Appropriation \$1,612,000  
TOTAL APPROPRIATION \$17,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to \$32,095,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

**NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY**  
WASHINGTON STATE LOTTERY  
Lottery Administrative Account--State Appropriation \$22,743,000

The appropriation in this section is subject to the following conditions and limitations: Within the funds appropriated in this section, the lottery commission shall provide administrative support to assist a task force to examine possible means to enhance state revenue from gaming as follows:

- (1) The task force shall consist of the following members:
- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
  - (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
  - (c) The executive director of the Washington state lottery;
  - (d) The executive director of the Washington state gambling commission; and
  - (e) The governor's designee.
- (2) The task force shall report its findings on possible means to enhance state revenue from gaming to the senate commerce and trade committee, the senate ways and means committee, the house of representatives commerce and labor committee, the house of representatives finance committee, and the house of representatives appropriations committee by January 5, 2004.

**NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS**  
COMMISSION ON HISPANIC AFFAIRS  
General Fund--State Appropriation (FY 2004) \$204,000  
General Fund--State Appropriation (FY 2005) \$204,000  
TOTAL APPROPRIATION \$408,000

**NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**  
COMMISSION ON AFRICAN-AMERICAN AFFAIRS  
General Fund--State Appropriation (FY 2004) \$198,000  
General Fund--State Appropriation (FY 2005) \$199,000  
TOTAL APPROPRIATION \$397,000



**NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD**  
**PERSONNEL APPEALS BOARD**

Department of Personnel Service Account--State Appropriation \$1,725,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--**  
**OPERATIONS**

**DEPARTMENT OF RETIREMENT SYSTEMS - OPERATIONS**

Dependent Care Administrative Account--State Appropriation \$384,000

Department of Retirement Systems Expense Account--State Appropriation \$44,485,000

**TOTAL APPROPRIATION \$44,869,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519, chapter 155, Laws of 2003 (unreduced duty death survivor benefits).

(2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197, chapter 92, Laws of 2003 (law enforcement officers' and fire fighters' plan 2 board implementation).

(3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5094, chapter 157, Laws of 2003 (substitute employees' retirement credit).

(5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100, chapter 32, Laws of 2003 (fallen hero survivor benefits).

(6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206, chapter 156, Laws of 2003 (plan 3 contributions).

(7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207, chapter 402, Laws of 2003 (employee death benefits).

(8) \$324,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829, chapter 412, Laws of 2003 (retire-rehire reform).

(9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202, chapter 293, Laws of 2003 (emergency medical technicians' retirement).

**NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD**  
**STATE INVESTMENT BOARD**

General Fund--State Appropriation (FY 2004) \$100,000

State Investment Board Expense Account--State Appropriation \$13,262,000

**TOTAL APPROPRIATION \$13,362,000**

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a contract with a real estate investment consultant to prepare options and recommended investment strategies for surplus property at the five state residential habilitation centers, where the proceeds will be deposited into an account to fund services for developmentally disabled clients. In developing the recommended strategies for the Fircrest school property, the contractor shall identify an investment strategy that will produce a long-term investment return on the property, without sale of the land. The report shall be submitted to the appropriate committees of the legislature by December 1, 2003.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**  
**DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2004) \$82,644,000

General Fund--State Appropriation (FY 2005) \$81,916,000

Timber Tax Distribution Account--State Appropriation \$5,191,000

Waste Education/Recycling/Litter Control--State Appropriation \$101,000

State Toxics Control Account--State Appropriation \$67,000

Oil Spill Administration Account--State Appropriation \$14,000

**TOTAL APPROPRIATION \$169,933,000**

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**  
**BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2004) \$1,141,000

General Fund--State Appropriation (FY 2005) \$988,000

TOTAL APPROPRIATION \$2,129,000

**NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL**  
**MUNICIPAL RESEARCH COUNCIL**

City and Town Research Services Account--State Appropriation \$3,852,000  
County Research Services Account--State Appropriation \$769,000  
TOTAL APPROPRIATION \$4,621,000

**NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISE**  
SOMWBE Enterprises Account--State Appropriation \$1,990,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office's revolving fund charges to state agencies may not exceed \$1,282,000.
- (2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.
- (3) During fiscal year 2004, the office may raise fees in excess of the fiscal growth factor.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
**DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$193,000  
General Fund--State Appropriation (FY 2005) \$275,000  
General Fund--Federal Appropriation \$3,215,000  
General Administration Services Account--State Appropriation \$38,086,000  
TOTAL APPROPRIATION \$41,769,000

The appropriations in this section are subject to the following conditions and limitations: Beginning on the effective date of this act, the department of general administration shall not purchase or lease any additional automobiles for the state motor pool unless the director of general administration determines that the purchase or lease is necessary for the safety of state personnel.

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES**  
**DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2004) \$1,000,000  
General Fund--State Appropriation (FY 2005) \$1,000,000  
Data Processing Revolving Account--State Appropriation \$3,569,000  
TOTAL APPROPRIATION \$5,569,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

- (1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.
- (2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.
- (3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.
- (4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons

shall submit a report to the governor and the appropriate legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

**NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER  
INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$631,000  
Insurance Commissioners Regulatory Account--State Appropriation \$32,307,000  
TOTAL APPROPRIATION \$32,938,000

**NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY  
BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State Appropriation \$1,985,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 of the certified public accountants' account appropriation is provided solely for the implementation of Substitute House Bill No. 1211 (public accountancy act). The board may increase fees during the 2003-05 fiscal biennium in excess of the fiscal growth factor as provided in RCW 43.135.055, if the increases are necessary to fully fund the cost of administering the bill.

**NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL  
FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account--State Appropriation \$274,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

**NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION  
HORSE RACING COMMISSION**

Horse Racing Commission Account--State Appropriation \$4,609,000

**NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD  
LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2004) \$1,454,000  
General Fund--State Appropriation (FY 2005) \$1,455,000  
Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000  
Liquor Revolving Account--State Appropriation \$133,842,000  
TOTAL APPROPRIATION \$142,468,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the completion of the merchandising business system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with purchasing merchandise business system software and hardware-related items, and hiring system-related staff.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise \$14,000,000 in additional revenue for the 2003-05 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

**NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION  
UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State Appropriation \$25,872,000  
Pipeline Safety Account--State Appropriation \$2,768,000  
Pipeline Safety Account--Federal Appropriation \$1,041,000  
TOTAL APPROPRIATION \$29,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature by July 1st of 2003 and 2004 a list of authorized out-of-state travel for the preceding calendar year.

(2) Consistent with the purposes of RCW 80.01.080, the commission may accept reimbursement for travel by its employees to participate in multistate regulatory matters.

(3) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**  
**BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' Relief and Pension Administrative Account--State Appropriation \$733,000

**NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT**  
**MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2004) \$8,486,000

General Fund--State Appropriation (FY 2005) \$8,223,000

General Fund--Federal Appropriation \$72,094,000

General Fund--Private/Local Appropriation \$371,000

Enhanced 911 Account--State Appropriation \$33,955,000

Disaster Response Account--State Appropriation \$190,000

Worker and Community Right to Know Fund--State Appropriation \$290,000

Nisqually Earthquake Account--State Appropriation \$13,128,000

Nisqually Earthquake Account--Federal Appropriation \$48,725,000

**TOTAL APPROPRIATION \$185,462,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) \$10,128,000 of the Nisqually earthquake account--state appropriation and \$48,725,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$43,555,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

- (b) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;
- (c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;
- (d) \$500,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;
- (e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;
- (f) \$29,917,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;
- (g) The remaining general fund--federal appropriation may be expended according to federal requirements;
- (h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;
- (i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

**NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,362,000  
 General Fund--State Appropriation (FY 2005) \$2,436,000  
 Department of Personnel Service Account--State Appropriation \$2,542,000  
**TOTAL APPROPRIATION \$7,340,000**

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD**  
**GROWTH PLANNING HEARINGS BOARD**

General Fund--State Appropriation (FY 2004) \$1,536,000  
 General Fund--State Appropriation (FY 2005) \$1,467,000  
**TOTAL APPROPRIATION \$3,003,000**

**NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER**  
**STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Operating Account--State Appropriation \$40,715,000  
 State Convention and Trade Center Account--State Appropriation \$31,037,000  
**TOTAL APPROPRIATION \$71,752,000**

**PART II**  
**HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts

anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
CHILDREN AND FAMILY SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - CHILDREN AND FAMILY SERVICES**

PROGRAM General Fund--State Appropriation (FY 2004) \$231,566,000

General Fund--State Appropriation (FY 2005) \$232,468,000

General Fund--Federal Appropriation \$416,043,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--State Appropriation \$23,920,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$5,640,000

**TOTAL APPROPRIATION \$910,037,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload

expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
JUVENILE REHABILITATION PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2004) \$74,095,000

General Fund--State Appropriation (FY 2005) \$72,697,000

General Fund--Federal Appropriation \$12,062,000

General Fund--Private/Local Appropriation \$1,098,000

Juvenile Accountability Incentive Account--Federal Appropriation \$9,139,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$37,338,000

**TOTAL APPROPRIATION \$206,429,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,065,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,204,000 of the general fund--state appropriation for fiscal year 2004, \$1,204,000 of the general fund--state appropriation for fiscal year 2005, and \$5,262,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,544,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(6) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(7) \$1,478,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(8) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to subsection (7) of this section.

(9) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(10) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative. The juvenile rehabilitation administration shall electronically report to the legislature on the formula used and the transferred funding amounts, on a semi-annual basis, by county.

(11) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile

services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(12) The juvenile rehabilitation administration shall allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

(13) \$308,000 of the general fund--state appropriation for fiscal year 2004 and \$875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MENTAL HEALTH PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2004) \$209,818,000

General Fund--State Appropriation (FY 2005) \$211,317,000

General Fund--Federal Appropriation \$384,801,000

General Fund--Local Appropriation \$1,970,000

**TOTAL APPROPRIATION \$807,906,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse division and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection



shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to maximize available federal funding, provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds. The department shall first provide the higher payment to those RSNs whose allocations under the funding formula would otherwise increase the least from the previous year's level in fiscal year 2004 and fiscal year 2005.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(h) The department shall reduce state funding otherwise payable to a regional support network in fiscal year 2005 by the amount by which the regional support network's total administrative expenditures as of December 31, 2002, exceed 10 percent of total funding.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$94,196,000

General Fund--State Appropriation (FY 2005) \$92,964,000

General Fund--Federal Appropriation \$134,755,000

General Fund--Private/Local Appropriation \$26,342,000

TOTAL APPROPRIATION \$348,257,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma pre-release program of the department of corrections.

#### (3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) \$28,695,000

General Fund--State Appropriation (FY 2005) \$32,081,000

TOTAL APPROPRIATION \$60,776,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection reimbursement at Western State Hospital and adjacent areas; up to \$45,000 per year shall be provided on September 1, 2003, and September 1, 2004, for training police personnel under chapter 12, Laws of 2001, 2nd

sp. sess. (3ESSB 6151); up to \$125,000 per year shall be provided to Pierce county on September 1, 2003, and September 1, 2004, for reimbursement of additional costs; and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county. In selecting a site, the department is encouraged to purchase or lease a site in an industrial area close to employment opportunities and treatment services, in an effort to reduce operating expenditures related to transportation and staff time.

**(4) SPECIAL PROJECTS**

General Fund--Federal Appropriation \$2,082,000

**(5) PROGRAM SUPPORT**

General Fund--State Appropriation (FY 2004) \$2,863,000

General Fund--State Appropriation (FY 2005) \$2,751,000

General Fund--Federal Appropriation \$5,011,000

**TOTAL APPROPRIATION \$10,625,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
DEVELOPMENTAL DISABILITIES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2004) \$262,458,000

General Fund--State Appropriation (FY 2005) \$268,826,000

General Fund--Federal Appropriation \$439,489,000

Health Services Account--State Appropriation \$1,038,000

**TOTAL APPROPRIATION \$971,811,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and \$1,038,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(c) \$510,000 of the general fund--state appropriation for fiscal year 2004, \$784,000 of the general fund--state appropriation for fiscal year 2005, and \$1,225,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; and (ii) clients without residential services who are at immediate risk

of institutionalization or in crisis. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) \$511,000 of the general fund--state appropriation for fiscal year 2004, \$616,000 of the general fund--state appropriation for fiscal year 2005, and \$1,073,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(f) \$3,290,000 of the general fund--state appropriation for fiscal year 2004, \$4,773,000 of the general fund--state appropriation for fiscal year 2005, and \$7,504,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(g) \$355,000 of the general fund--state appropriation for fiscal year 2004, \$517,000 of the general fund--state appropriation for fiscal year 2005, and \$848,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase wages for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) The department, in consultation with representatives of community residential service providers and clients served in residential settings, shall review current rules and policies regarding residential services to identify rules that are redundant or unnecessary. The department may modify or repeal rules that are identified as redundant or unnecessary. The department shall report electronically on any rule changes to the appropriate committees of the legislature by July 1, 2004.

#### (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$71,862,000  
General Fund--State Appropriation (FY 2005) \$70,926,000  
General Fund--Federal Appropriation \$144,682,000  
General Fund--Private/Local Appropriation \$11,228,000  
TOTAL APPROPRIATION \$298,698,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

#### (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,245,000  
General Fund--State Appropriation (FY 2005) \$2,245,000  
General Fund--Federal Appropriation \$2,965,000  
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$1,782,000  
TOTAL APPROPRIATION \$9,237,000

#### (4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,993,000

### **NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

DEPARTMENT OF SOCIAL AND HEALTH SERVICES | AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$557,645,000  
General Fund--State Appropriation (FY 2005) \$570,669,000  
General Fund--Federal Appropriation \$1,162,511,000

General Fund--Private/Local Appropriation \$18,644,000  
Health Services Account--State Appropriation \$4,888,000  
TOTAL APPROPRIATION \$2,314,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, \$1,476,000 of the general fund--state appropriation for fiscal year 2005, and \$7,284,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$144.54 for fiscal year 2004, and no more than \$147.43 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005.

(b) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(c) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(7) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may assess nursing facility residents with Alzheimer's disease or related dementias to determine whether such residents can be more appropriately served in licensed boarding home facilities that specialize in caring for such conditions. The department may, based upon the assessments and within existing funds, pay dementia pilot project rates on behalf of up to 200 additional persons with Alzheimer's disease or related dementias who move from nursing facilities to specialized boarding homes.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) \$7,102,000 of the general fund--state appropriation for fiscal year 2004, \$10,065,000 of the general fund--state appropriation for fiscal year 2005, and \$17,029,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(11) \$2,219,000 of the general fund--state appropriation for fiscal year 2004, \$3,192,000 of the general fund--state appropriation for fiscal year 2005, and \$5,263,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase wages for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ECONOMIC SERVICES PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$408,184,000

General Fund--State Appropriation (FY 2005) \$407,363,000

General Fund--Federal Appropriation \$1,209,758,000

General Fund--Private/Local Appropriation \$33,880,000

**TOTAL APPROPRIATION \$2,059,185,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, \$273,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

(c) Include an urban adjustment factor for child care providers in urban areas of region 1.

(2) \$45,639,000 of the general fund--state appropriation for fiscal year 2004 and \$39,335,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$1,436,000 of the general fund--state appropriation for fiscal year 2004 and \$1,436,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(5) \$9,142,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - ALCOHOL AND SUBSTANCE ABUSE**

**PROGRAM** General Fund--State Appropriation (FY 2004) \$40,320,000

General Fund--State Appropriation (FY 2005) \$40,320,000

General Fund--Federal Appropriation \$90,632,000

General Fund--Private/Local Appropriation \$630,000  
Public Safety and Education Account--State Appropriation \$7,160,000  
Criminal Justice Treatment Account--State Appropriation \$8,950,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$44,342,000  
TOTAL APPROPRIATION \$232,354,000

The appropriations in this section are subject to the following conditions and limitations: \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
MEDICAL ASSISTANCE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$1,184,774,000  
General Fund--State Appropriation (FY 2005) \$1,265,423,000  
General Fund--Federal Appropriation \$3,764,258,000  
General Fund--Private/Local Appropriation \$262,736,000  
Emergency Medical Services and Trauma Care Systems  
Trust Account--State Appropriation \$23,700,000  
Health Services Account--State Appropriation \$756,012,000  
TOTAL APPROPRIATION \$7,256,903,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$999,000 of the health services account appropriation for fiscal year 2004, \$1,519,000 of the health services account appropriation for fiscal year 2005, and \$2,142,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, \$52,057,000 of the fiscal year 2004 health services account appropriation, \$35,016,000 of the fiscal year 2005 health services account appropriation, and \$87,074,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an

intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 94.5 percent of the supplemental payments; (b) a contractual commitment by the association of public hospital districts to return at least 5.5 percent of the supplemental payments to the participating rural hospital districts; and (c) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate setting. A hospital which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal years 2004 and 2005. The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.

(9) \$14,616,000 of the health services account appropriation for fiscal year 2004, \$12,394,000 of the health services account appropriation for fiscal year 2005, and \$27,010,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.

(10) \$3,100,000 of the health services account appropriation, \$8,416,000 of the general fund--local appropriation, and \$11,516,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(11) \$26,080,000 of the health services account appropriation and \$26,080,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(12) The department shall separately track the total amount of any rebates obtained from drug manufacturers that are supplemental to the amounts required by federal law. The department shall report to the fiscal committees of the house of representatives and senate by January 15, 2004, and by January 15, 2005, on supplemental rebates negotiated to date, and their projected value through the end of the current and the next succeeding fiscal year. The report shall include options for using any rebate amounts in excess of those assumed in this budget to increase pharmacy reimbursement rates.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2004 and \$1,403,000 of the general fund--federal appropriation are provided solely for a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches.

(14) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(15) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(16) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(17) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(18) The department shall establish managed care rates within available funds, giving specific consideration to each plan's programmatic and financial performance, and ability to assure access in under-served areas.

(19) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities

that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(20) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge co-premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

(21) For purposes of RCW 74.09.800(2), \$9,549,000 of the general fund--state appropriation for fiscal year 2004, \$10,779,000 of the general fund--state appropriation for fiscal year 2005, and \$37,753,000 of the general fund--federal appropriation are provided solely to provide prenatal care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
VOCATIONAL REHABILITATION PROGRAM DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
- VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2004) \$10,180,000  
General Fund--State Appropriation (FY 2005) \$10,202,000  
General Fund--Federal Appropriation \$85,803,000  
General Fund--Local Appropriation \$440,000  
TOTAL APPROPRIATION \$106,625,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES - ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2004) \$35,926,000  
General Fund--State Appropriation (FY 2005) \$25,968,000  
General Fund--Federal Appropriation \$45,752,000  
General Fund--Private/Local Appropriation \$810,000  
TOTAL APPROPRIATION \$108,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund--state appropriation for fiscal year 2004, \$769,000 of the general fund--state appropriation for fiscal year 2005, and \$1,236,000 of the general fund--federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;
- (b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;
- (c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;
- (d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and
- (e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--  
PAYMENTS TO OTHER AGENCIES PROGRAM DEPARTMENT OF SOCIAL AND HEALTH SERVICES - PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2004) \$42,011,000  
General Fund--State Appropriation (FY 2005) \$42,011,000  
General Fund--Federal Appropriation \$41,994,000  
TOTAL APPROPRIATION \$126,016,000



**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY**  
**STATE HEALTH CARE AUTHORITY**

State Health Care Authority Administrative Account--State Appropriation \$17,665,000  
Health Services Account--State Appropriation \$415,459,000  
General Fund--Federal Appropriation \$3,307,000  
Medical Aid Account--State Appropriation \$128,000  
TOTAL APPROPRIATION \$436,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the health services account--state appropriation is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(2) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

(3) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(4) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns, and recent pay history, from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

**NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION**  
**HUMAN RIGHTS COMMISSION** General Fund--State Appropriation (FY 2004) \$2,368,000  
General Fund--State Appropriation (FY 2005) \$2,407,000  
General Fund--Federal Appropriation \$1,509,000  
General Fund--Private/Local Appropriation \$100,000  
TOTAL APPROPRIATION \$6,384,000

**NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**  
BOARD OF INDUSTRIAL INSURANCE APPEALS  
Worker and Community Right-to-Know Account--State Appropriation \$20,000  
Accident Account--State Appropriation \$15,065,000  
Medical Aid Account--State Appropriation \$15,064,000  
TOTAL APPROPRIATION \$30,149,000

**NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
CRIMINAL JUSTICE TRAINING COMMISSION  
Municipal Criminal Justice Assistance Account--Local Appropriation \$460,000  
Death Investigations Account--State Appropriation \$148,000  
Public Safety and Education Account--State Appropriation \$18,078,000  
TOTAL APPROPRIATION \$18,686,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(4) \$250,000 of the public safety and education account appropriation is provided solely to the Washington association of sheriffs and police chiefs for staffing and support of a web site to provide information about sex offenders.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**  
DEPARTMENT OF LABOR AND INDUSTRIES  
General Fund--State Appropriation (FY 2004) \$5,863,000  
General Fund--State Appropriation (FY 2005) \$5,860,000  
Public Safety and Education Account--State Appropriation \$22,391,000  
Public Safety and Education Account--Federal Appropriation \$8,462,000  
Asbestos Account--State Appropriation \$693,000  
Electrical License Account--State Appropriation \$28,966,000  
Farm Labor Revolving Account--Private/Local Appropriation \$28,000  
Worker and Community Right-to-Know Account--State Appropriation \$2,544,000  
Public Works Administration Account--State Appropriation \$2,411,000  
Accident Account--State Appropriation \$187,843,000  
Accident Account--Federal Appropriation \$13,396,000  
Medical Aid Account--State Appropriation \$186,724,000  
Medical Aid Account--Federal Appropriation \$2,960,000  
Plumbing Certificate Account--State Appropriation \$1,451,000  
Pressure Systems Safety Account--State Appropriation \$2,807,000  
TOTAL APPROPRIATION \$472,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) implement other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(3) \$378,000 of the accident account--state appropriation is provided solely for the purpose of contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides, and to collect and analyze data related to such monitoring.

**NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**  
INDETERMINATE SENTENCE REVIEW BOARD  
General Fund--State Appropriation (FY 2004) \$980,000  
General Fund--State Appropriation (FY 2005) \$980,000  
TOTAL APPROPRIATION \$1,960,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
DEPARTMENT OF VETERANS AFFAIRS  
(1) HEADQUARTERS  
General Fund--State Appropriation (FY 2004) \$1,527,000  
General Fund--State Appropriation (FY 2005) \$1,528,000  
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000  
TOTAL APPROPRIATION \$3,066,000

(2) FIELD SERVICES  
General Fund--State Appropriation (FY 2004) \$2,579,000  
General Fund--State Appropriation (FY 2005) \$2,579,000  
General Fund--Federal Appropriation \$309,000  
General Fund--Private/Local Appropriation \$1,668,000  
TOTAL APPROPRIATION \$7,135,000

(3) INSTITUTIONAL SERVICES  
General Fund--State Appropriation (FY 2004) \$7,473,000  
General Fund--State Appropriation (FY 2005) \$5,890,000  
General Fund--Federal Appropriation \$27,207,000  
General Fund--Private/Local Appropriation \$27,822,000  
TOTAL APPROPRIATION \$68,392,000

**NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY**  
HOME CARE QUALITY AUTHORITY  
General Fund--State Appropriation (FY 2004) \$412,000  
General Fund--State Appropriation (FY 2005) \$259,000  
TOTAL APPROPRIATION \$671,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the design and development of the home care provider registry mandated by Initiative Measure No. 775.  
(2) Pursuant to RCW 74.39A.300(1), the legislature rejects the collective bargaining agreement entered into by the home care quality authority and the exclusive bargaining representative of individual providers under chapter 74.39A RCW (Initiative Measure No. 775).

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH**  
DEPARTMENT OF HEALTH  
General Fund--State Appropriation (FY 2004) \$58,143,000  
General Fund--State Appropriation (FY 2005) \$60,224,000  
Health Services Account--State Appropriation \$34,289,000  
General Fund--Federal Appropriation \$348,897,000  
General Fund--Private/Local Appropriation \$93,601,000  
Hospital Commission Account--State Appropriation \$2,490,000  
Health Professions Account--State Appropriation \$40,097,000  
Emergency Medical Services and Trauma Care Systems Trust Account--State  
Appropriation \$12,558,000  
Safe Drinking Water Account--State Appropriation \$2,728,000  
Drinking Water Assistance Account--Federal Appropriation \$13,498,000  
Waterworks Operator Certification--State Appropriation \$633,000  
Water Quality Account--State Appropriation \$3,359,000  
Accident Account--State Appropriation \$258,000  
Medical Aid Account--State Appropriation \$46,000  
State Toxics Control Account--State Appropriation \$2,761,000  
Medical Test Site Licensure Account--State Appropriation \$1,718,000  
Youth Tobacco Prevention Account--State Appropriation \$1,806,000  
Tobacco Prevention and Control Account--State Appropriation \$52,510,000

TOTAL APPROPRIATION \$729,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, and newborn screening programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,337,000 of the general fund--state fiscal year 2004 appropriation and \$1,338,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$21,650,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2004, \$19,000 of the general fund--state appropriation for fiscal year 2005, and \$987,000 of the general fund--local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**  
DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2004) \$38,317,000

General Fund--State Appropriation (FY 2005) \$35,473,000

Public Safety and Education Account--State Appropriation \$3,657,000

Violence Reduction and Drug Enforcement Account Appropriation \$26,000

TOTAL APPROPRIATION \$77,473,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,250,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2004) \$441,122,000

General Fund--State Appropriation (FY 2005) \$449,520,000

General Fund--Federal Appropriation \$8,746,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$3,008,000

TOTAL APPROPRIATION \$902,396,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

### (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2004) \$73,952,000

General Fund--State Appropriation (FY 2005) \$74,200,000

Public Safety and Education Account--State Appropriation \$15,492,000

TOTAL APPROPRIATION \$163,644,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$626,000  
General Fund--State Appropriation (FY 2005) \$626,000  
TOTAL APPROPRIATION \$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) \$25,099,000  
General Fund--State Appropriation (FY 2005) \$25,134,000  
TOTAL APPROPRIATION \$50,233,000

**Sec. 223.** 2003 c 10 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.**

DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$36,239,000)</del> )	<u>\$32,989,000</u>
Public Safety and Education Account--State Appropriation \$1,576,000	
Violence Reduction and Drug Enforcement Account Appropriation \$3,254,000	
TOTAL APPROPRIATION ( <del>(\$77,855,000)</del> )	<u>\$74,605,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$4,623,000)~~) \$1,373,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000  
General Fund--State Appropriation (FY 2003) \$433,915,000  
General Fund--Federal Appropriation \$9,936,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$1,596,000  
Public Health Services Account Appropriation \$1,453,000  
TOTAL APPROPRIATION \$851,290,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

### (3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000

General Fund--State Appropriation (FY 2003) \$77,436,000

General Fund--Federal Appropriation \$870,000

Public Safety and Education Account--State Appropriation \$15,493,000

TOTAL APPROPRIATION \$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

### (4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000

General Fund--State Appropriation (FY 2003) \$629,000

TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund-- state appropriation

for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

**(5) INTERAGENCY PAYMENTS**

General Fund--State Appropriation (FY 2002) \$18,568,000  
 General Fund--State Appropriation (FY 2003) \$18,569,000  
**TOTAL APPROPRIATION \$37,137,000**

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**  
**DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2004) \$1,767,000  
 General Fund--State Appropriation (FY 2005) \$1,767,000  
 General Fund--Federal Appropriation \$14,297,000  
 General Fund--Private/Local Appropriation \$80,000  
**TOTAL APPROPRIATION \$17,911,000**

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**  
**SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2004) \$737,000  
 General Fund--State Appropriation (FY 2005) \$741,000  
**TOTAL APPROPRIATION \$1,478,000**

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
**EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation \$267,586,000  
 General Fund--Private/Local Appropriation \$30,103,000  
 Unemployment Compensation Administration Account--Federal Appropriation \$184,878,000  
 Administrative Contingency Account--State Appropriation \$14,721,000  
 Employment Service Administrative Account--State Appropriation \$23,184,000  
**TOTAL APPROPRIATION \$520,472,000**

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the administrative contingency account appropriation is provided solely to establish an advisory partnership on the Washington manufacturing sector as outlined in Substitute House Bill No. 2164 (manufacturing advisory partnership) and recommended in the report entitled manufacturing in Washington state, 1990-2002: trends and implications for the industry and state.

**Sec. 227.** 2003 c 10 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES - MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002) \$1,081,150,000	
General Fund--State Appropriation (FY 2003) ( <del>(\$1,202,277,000)</del> )	
	<u>\$1,192,164,000</u>
General Fund--Federal Appropriation ( <del>(\$3,319,133,000)</del> )	
	<u>\$3,329,246,000</u>
General Fund--Private/Local Appropriation \$216,735,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$10,700,000	
Health Services Account--State Appropriation \$720,236,000	
<b>TOTAL APPROPRIATION \$6,550,231,000</b>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to



achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$337,000 of the health services account appropriation for fiscal year 2003, and \$960,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, \$199,111,000 of the health services account appropriation and \$201,049,000 of the general fund-- federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 95 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) \$40,428,000 of the health services account appropriation and \$40,807,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and report on the feasibility of a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

(20) \$21,000 of the general fund--state appropriation and \$189,000 of the general fund--federal appropriation are provided solely for initiation of a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches. The department shall receive specific authorization in the 2003-05 appropriations act before proceeding with procurement of the replacement system.

### **PART III NATURAL RESOURCES**

#### **NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION** COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2004) \$339,000  
General Fund--State Appropriation (FY 2005) \$345,000  
General Fund--Private/Local Appropriation \$663,000  
TOTAL APPROPRIATION \$1,347,000

#### **NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY** DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) \$33,464,000  
General Fund--State Appropriation (FY 2005) \$33,263,000  
General Fund--Federal Appropriation \$57,143,000  
General Fund--Private/Local Appropriation \$3,696,000  
Special Grass Seed Burning Research Account--State Appropriation \$14,000  
Reclamation Revolving Account--State Appropriation \$2,760,000  
Flood Control Assistance Account--State Appropriation \$2,019,000  
State Emergency Water Projects Revolving Account--State Appropriation \$552,000  
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$13,714,000  
State Drought Preparedness Account--State Appropriation \$1,708,000

State and Local Improvements Revolving Account (Water Supply Facilities)--State  
Appropriation \$593,000

Site Closure Account--State Appropriation \$629,000  
Water Quality Account--State Appropriation \$25,252,000  
Wood Stove Education and Enforcement Account--State Appropriation \$356,000  
Worker and Community Right-to-Know Account--State Appropriation \$3,348,000  
State Toxics Control Account--State Appropriation \$59,268,000  
State Toxics Control Account--Private/Local Appropriation \$353,000  
Local Toxics Control Account--State Appropriation \$4,878,000  
Water Quality Permit Account--State Appropriation \$25,205,000  
Underground Storage Tank Account--State Appropriation \$2,710,000  
Environmental Excellence Account--State Appropriation \$504,000  
Biosolids Permit Account--State Appropriation \$784,000  
Hazardous Waste Assistance Account--State Appropriation \$4,185,000  
Air Pollution Control Account--State Appropriation \$1,654,000  
Oil Spill Prevention Account--State Appropriation \$7,745,000  
Air Operating Permit Account--State Appropriation \$3,693,000  
Freshwater Aquatic Weeds Account--State Appropriation \$2,503,000  
Oil Spill Response Account--State Appropriation \$7,078,000  
Metals Mining Account--State Appropriation \$19,000  
Water Pollution Control Revolving Account--State Appropriation \$380,000  
Water Pollution Control Revolving Account--Federal Appropriation \$1,867,000  
TOTAL APPROPRIATION \$301,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**  
STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2004) \$29,986,000  
General Fund--State Appropriation (FY 2005) \$29,976,000  
General Fund--Federal Appropriation \$2,666,000  
General Fund--Private/Local Appropriation \$63,000  
Winter Recreation Program Account--State Appropriation \$1,079,000  
Off Road Vehicle Account--State Appropriation \$285,000  
Snowmobile Account--State Appropriation \$4,790,000

Aquatic Lands Enhancement Account--State Appropriation \$332,000  
Public Safety and Education Account--State Appropriation \$47,000  
Parks Renewal and Stewardship Account--State Appropriation \$33,769,000  
TOTAL APPROPRIATION \$102,993,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2004) \$1,246,000  
General Fund--State Appropriation (FY 2005) \$1,256,000  
General Fund--Federal Appropriation \$17,983,000  
Firearms Range Account--State Appropriation \$22,000  
Recreation Resources Account--State Appropriation \$2,608,000  
NOVA Program Account--State Appropriation \$691,000  
Water Quality Account--State Appropriation \$200,000  
Aquatic Lands Enhancement Account--State Appropriation \$254,000  
TOTAL APPROPRIATION \$24,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

(3) \$812,000 of the general fund--state appropriation for fiscal year 2004, \$813,000 of the general fund--state appropriation for fiscal year 2005, and \$1,625,000 of the general fund--federal appropriation are provided to the salmon recovery funding board for distribution to lead entities. The board may establish policies to require coordination of funding requests from lead entities and regional recovery boards to ensure that recovery efforts are synchronized. At the discretion of the board, funding shall be concentrated in watersheds within the highest priority salmon recovery regions as defined by the statewide strategy to recover salmon. The board shall also coordinate funding decisions with the northwest power planning council to ensure maximum efficiency and investment return.

(4) \$234,000 of the general fund--state appropriation for fiscal year 2004 and \$234,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement priority recommendations developed by the monitoring oversight committee as directed by RCW 77.85.210. Within these funds, activity shall be directed to improve monitoring oversight within watersheds, enhance data coordination and access among recovery partners, and produce a state watershed health report card.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2004) \$923,000  
General Fund--State Appropriation (FY 2005) \$960,000  
TOTAL APPROPRIATION \$1,883,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**  
CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2004) \$2,234,000  
General Fund--State Appropriation (FY 2005) \$2,245,000  
Water Quality Account--State Appropriation \$2,162,000  
TOTAL APPROPRIATION \$6,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$118,000 of the general fund--state appropriation for fiscal year 2004 and \$121,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure), chapter 391, Laws of 2003.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004) \$41,453,000  
General Fund--State Appropriation (FY 2005) \$40,179,000  
General Fund--Federal Appropriation \$31,632,000  
General Fund--Private/Local Appropriation \$24,300,000  
Off Road Vehicle Account--State Appropriation \$501,000  
Aquatic Lands Enhancement Account--State Appropriation \$5,620,000  
Public Safety and Education Account--State Appropriation \$562,000  
Recreational Fisheries Enhancement Account--State Appropriation \$3,392,000  
Warm Water Game Fish Account--State Appropriation \$2,568,000  
Eastern Washington Pheasant Enhancement Account--State Appropriation \$750,000  
Wildlife Account--State Appropriation \$57,138,000  
Wildlife Account--Federal Appropriation \$38,216,000  
Wildlife Account--Private/Local Appropriation \$15,158,000  
Game Special Wildlife Account--State Appropriation \$1,949,000  
Game Special Wildlife Account--Federal Appropriation \$9,598,000  
Game Special Wildlife Account--Private/Local Appropriation \$350,000  
Environmental Excellence Account--State Appropriation \$15,000  
Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$1,750,000  
Oil Spill Prevention Account--State Appropriation \$981,000  
Oyster Reserve Land Account--State Appropriation \$137,000  
TOTAL APPROPRIATION \$276,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.

(2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) \$850,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.

(4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.

(5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.

(8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer

leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.

(9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(14) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2004) \$30,307,000  
General Fund--State Appropriation (FY 2005) \$34,233,000  
General Fund--Federal Appropriation \$3,809,000  
General Fund--Private/Local Appropriation \$2,482,000  
Forest Development Account--State Appropriation \$52,060,000  
Off Road Vehicle Account--State Appropriation \$4,028,000  
Surveys and Maps Account--State Appropriation \$2,760,000  
Aquatic Lands Enhancement Account--State Appropriation \$6,884,000  
Resources Management Cost Account--State Appropriation \$70,391,000  
Surface Mining Reclamation Account--State Appropriation \$2,293,000  
Disaster Response Account--State Appropriation \$7,200,000  
Water Quality Account--State Appropriation \$2,479,000  
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,311,000  
Natural Resource Conservation Areas Stewardship Account Appropriation \$83,000  
Air Pollution Control Account--State Appropriation \$526,000  
Agricultural College Trust Management Account Appropriation \$1,868,000  
Derelict Vessel Removal Account--State Appropriation \$1,130,000  
TOTAL APPROPRIATION \$223,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$1,158,000 of the general fund--state appropriation for fiscal year 2004, \$8,358,000 of the general fund--state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.

(10) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(11) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

(13) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(14) \$2,700,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government. It is the intent of the legislature that the state general fund appropriation for the 2005-07 fiscal biennium for the forest practices program in the department be reduced by the amount not recovered through trust land management or reimbursement by the federal government.

(15) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**  
DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2004) \$7,444,000

General Fund--State Appropriation (FY 2005) \$7,244,000

General Fund--Federal Appropriation \$10,068,000

General fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State Appropriation \$1,942,000

Water Quality Account--State Appropriation \$692,000

State Toxics Control Account--State Appropriation \$2,580,000

Water Quality Permit Account--State Appropriation \$165,000

TOTAL APPROPRIATION \$31,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account--state appropriation and \$692,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

**WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account--State Appropriation \$984,000

**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**  
DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2004) \$4,986,000  
General Fund--State Appropriation (FY 2005) \$4,988,000  
Architects' License Account--State Appropriation \$696,000  
Cemetery Account--State Appropriation \$235,000  
Professional Engineers' Account--State Appropriation \$3,025,000  
Real Estate Commission Account--State Appropriation \$7,111,000  
Master License Account--State Appropriation \$9,110,000  
Uniform Commercial Code Account--State Appropriation \$2,987,000  
Real Estate Education Account--State Appropriation \$277,000  
Real Estate Appraisers Commission Account--State Appropriation \$927,000  
Geologist's Account--State Appropriation \$7,000  
Funeral Directors and Embalmers Account--State Appropriation \$521,000  
Washington Real Estate Research Account--State Appropriation \$308,000  
Data Processing Revolving Account--State Appropriation \$29,000  
TOTAL APPROPRIATION \$35,207,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**  
STATE PATROL

General Fund--State Appropriation (FY 2004) \$20,005,000  
General Fund--State Appropriation (FY 2005) \$18,855,000  
General Fund--Federal Appropriation \$4,240,000  
General Fund--Private/Local Appropriation \$378,000  
Death Investigations Account--State Appropriation \$4,489,000  
Public Safety and Education Account--State Appropriation \$20,852,000  
Enhanced 911 Account--State Appropriation \$612,000  
County Criminal Justice Assistance Account--State Appropriation \$2,649,000  
Municipal Criminal Justice Assistance Account--State Appropriation \$1,087,000  
Fire Service Trust Account--State Appropriation \$125,000  
Fire Service Training Account--State Appropriation \$7,374,000  
State Toxics Control Account--State Appropriation \$436,000  
Violence Reduction and Drug Enforcement Account--State Appropriation \$286,000  
Fingerprint Identification Account--State Appropriation \$4,405,000  
TOTAL APPROPRIATION \$85,793,000

The appropriations in this section are subject to the following conditions and limitations:



(1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

## **PART V EDUCATION**

### **NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION SUPERINTENDENT OF PUBLIC INSTRUCTION**

#### **(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2004) \$11,772,000

General Fund--State Appropriation (FY 2005) \$11,761,000

General Fund--Federal Appropriation \$15,921,000

**TOTAL APPROPRIATION \$39,454,000**

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,771,000 of the general fund--state appropriation for fiscal year 2004 and \$10,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and \$416,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$157,000 of the general fund--state appropriation for fiscal year 2004 and \$149,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(e) The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

#### **(2) STATEWIDE PROGRAMS**

General Fund--State Appropriation (FY 2004) \$8,966,000

General Fund--State Appropriation (FY 2005) \$9,345,000

General Fund--Federal Appropriation \$66,405,000

**TOTAL APPROPRIATION \$84,716,000**

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

#### **(a) HEALTH AND SAFETY**

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$400,000 of the general fund--federal appropriation transferred from the department of health is provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(v) \$13,663,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$306,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$757,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,433,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$9,510,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) \$12,977,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2004) \$3,969,407,000

General Fund--State Appropriation (FY 2005) \$3,977,209,000

TOTAL APPROPRIATION \$7,946,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-

time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and 9.68 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and 12.25 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,952 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,983 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$17,057 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,392,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$504,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of \$353,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(12) \$159,000 of the general fund--state appropriation for fiscal year 2004 and \$1,181,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and 8.75 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**K-12 Salary Allocation Schedule For Certificated Instructional Staff**

2003-04 School Year

Years of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
0	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172

9	37,266	38,591	41,443	43,481	41,656	44,510	46,548
	36,272						
10		39,898	42,788	44,894	42,964	45,855	47,960
		38,477					
11			44,196	46,344	44,309	47,263	49,410
			41,243				
12			45,642	47,854	45,707	48,708	50,921
			42,545				
13				49,401	47,154	50,189	52,467
				47,123			
14				51,006	48,644	51,775	54,073
				48,611			
15				52,333	49,908	53,121	55,479
				49,876			
16 or More				53,379	50,906	54,183	56,588
				50,873			

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year



Years of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172

9	37,266	38,591	41,443	43,481	41,656	44,510	46,548
	36,272						
10		39,898	42,788	44,894	42,964	45,855	47,960
		38,477					
11			44,196	46,344	44,309	47,263	49,410
			41,243				
12			45,642	47,854	45,707	48,708	50,921
			42,545				
13				49,401	47,154	50,189	52,467
				47,123			
14				51,006	48,644	51,775	54,073
				48,611			
15				52,333	49,908	53,121	55,479
				49,876			
16 or More				53,379	50,906	54,183	56,588
				50,873			

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**  
SUPERINTENDENT OF PUBLIC INSTRUCTION - SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2004) \$28,511,000

General Fund--State Appropriation (FY 2005) \$116,670,000

General Fund--Federal Appropriation \$559,000

TOTAL APPROPRIATION \$145,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,913,000 of the general fund--state appropriation for fiscal year 2004 and \$20,238,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	\$1.40

(3) \$116,483,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$570.74 per month for the 2004-05 school year at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	\$1.03
Highly Capable (per formula student)	\$1.52	\$7.00
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	\$18.40
Learning Assistance (per entitlement unit)	\$3.08	\$14.46

(4) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2004) \$201,638,000

General Fund--State Appropriation (FY 2005) \$210,279,000

**TOTAL APPROPRIATION \$411,917,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$782,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and \$39.43 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) Beginning with busses purchased on or after July 1, 2003, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the

superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2004) \$3,100,000

General Fund--State Appropriation (FY 2005) \$3,100,000

General Fund--Federal Appropriation \$272,069,000

**TOTAL APPROPRIATION \$278,269,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$433,984,000

General Fund--State Appropriation (FY 2005) \$427,214,000

General Fund--Federal Appropriation \$409,637,000

**TOTAL APPROPRIATION \$1,270,835,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW

28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2004) \$3,538,000

General Fund--State Appropriation (FY 2005) \$3,537,000

TOTAL APPROPRIATION \$7,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2004) \$162,236,000

General Fund--State Appropriation (FY 2005) \$167,073,000

TOTAL APPROPRIATION \$329,309,000

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2004) \$18,596,000

General Fund--State Appropriation (FY 2005) \$19,092,000

TOTAL APPROPRIATION \$37,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$279,000 of the general fund--state appropriation for fiscal year 2004 and \$286,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2004) \$6,597,000

General Fund--State Appropriation (FY 2005) \$6,614,000

TOTAL APPROPRIATION \$13,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and \$334.89 per funded student for the 2004-05



school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION - ELEMENTARY AND SECONDARY SCHOOL--IMPROVEMENT--NO CHILD LEFT BEHIND**

General Fund--Federal Appropriation \$46,198,000

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION - EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2004) \$39,107,000

General Fund--State Appropriation (FY 2005) \$36,501,000

General Fund--Federal Appropriation \$128,402,000

TOTAL APPROPRIATION \$204,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$16,050,000 of the general fund--state appropriation for fiscal year 2004, \$12,511,000 of the general fund--state appropriation for fiscal year 2005, and \$15,455,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning. Of the general fund--state amounts provided:

(a) \$222,000 in fiscal year 2004 and \$244,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test and \$75,000 of the fiscal year 2004 appropriation is provided for developing alternative assessments as provided in Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.

(b) \$300,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) \$1,564,000 of the general fund--state appropriation for fiscal year 2004 and \$2,497,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

- (iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;
  - (v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;
  - (vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and
  - (vii) Other assistance to schools and school districts intended to improve student mathematics learning.
- (16) \$87,901,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.
- (17) \$25,046,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2004) \$49,791,000  
 General Fund--State Appropriation (FY 2005) \$52,062,000  
 General Fund--Federal Appropriation (FY 2005) \$46,309,000  
 TOTAL APPROPRIATION \$148,162,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and \$725.11 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2004) \$65,385,000  
 General Fund--State Appropriation (FY 2005) \$64,051,000  
 General Fund--Federal Appropriation \$307,178,000  
 TOTAL APPROPRIATION \$436,614,000

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
  - (a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
  - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and \$433.03 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
  - (c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.
  - (d) A school district's general fund--state funded units shall be the sum of the following:
    - (i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;
    - (ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

**SUPERINTENDENT OF PUBLIC INSTRUCTION - STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State Appropriation (FY 2004) \$203,123,000

Student Achievement Fund--State Appropriation (FY 2005) \$195,080,000

TOTAL APPROPRIATION \$398,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$211.67 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.**

**K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS**

State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**PART VI  
HIGHER EDUCATION**

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2003-04 and 2004-05 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor.

For the 2003-04 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2002-03 academic year.

For the 2004-05 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2003-04 academic year.

(4) For the 2003-05 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2003-05 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) For the 2004-05 academic year, the legislature hereby lowers the limit on total gross authorized operating fees revenue waived, exempted, or reduced by state institutions of higher education pursuant to RCW 28B.15.910 as follows:

- (a) University of Washington, 20.48 percent
- (b) Washington State University, 19.5 percent
- (c) Eastern Washington University, 10.73 percent
- (d) Central Washington University, 7.8 percent
- (e) Western Washington University, 9.75 percent
- (f) The Evergreen State College, 5.85 percent
- (g) Community colleges as a whole, 33.6 percent.

Further, the governing boards and the state board are encouraged to reduce waiver activity in recognition of the need to retain available resources to preserve the educational quality of higher education institutions. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under authority of RCW 28B.15.915.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2003-05 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(10) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2003. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(11) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2003-04 Annual Average	2004-05 Annual Average
University of Washington		
	32,427	32,427
Main campus		
Bothell branch	1,235	1,235
Tacoma branch	1,484	1,484
Washington State University		

	17,348	17,364
Main campus		
Spokane branch	593	593
Tri-Cities branch	616	616
Vancouver branch	1,153	1,153
	7,666	7,666
Central Washington University		
Eastern Washington University	8,017	8,017
The Evergreen State College	3,837	3,837
Western Washington University	11,126	11,126
State Board for Community and Technical Colleges	126,070	126,070
Higher Education Coordinating Board	246	500

(2)(a) In addition to the annual full-time equivalent student enrollments enumerated in this section, funding is provided in (i) section 603 of this act for additional community or technical college full-time equivalent student enrollments in high-demand fields of study and (ii) section 722 of this act (special appropriations to the governor) for additional full-time equivalent transfer student enrollments with junior-class standing.

(b) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2004) \$507,960,000

General Fund--State Appropriation (FY 2005) \$517,854,000

Administrative Contingency Account--State Appropriation \$3,200,000

TOTAL APPROPRIATION \$1,029,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30, 2004, to the office of financial management and



legislative fiscal and higher education committees on (a) the distribution of state funds; and (b) wage adjustments for part-time faculty.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to Clark Community College and Lower Columbia Community College to prepare a total of 168 full-time equivalent students for transfer to the engineering and science institute at the Vancouver branch campus of Washington State University. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to districts named in this subsection.

(6) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(7) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 and \$28,761,000 of the general fund--state appropriation for fiscal year 2005 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, as well as successful partnerships being supported by these state funds.

(10) \$250,000 of the administrative contingency account--state appropriation is provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005, after which time any amount remaining unexpended from this amount shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(12) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the

fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(13) \$6,304,000 of the general fund--state appropriation for fiscal year 2004 and \$6,305,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields.

(a) High-demand fields means (i) health services, (ii) applied science and engineering, (iii) viticulture and enology, and (iv) expansion of worker retraining programs. The state board shall allocate resources among the four areas specified in this subsection and shall manage a competitive process for awarding resources for health services, viticulture, enology, and applied science and engineering programs.

(b) The state board shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

(14) \$111,000 of the general fund--state appropriation for fiscal year 2004 and \$86,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. From these sums, the state board shall allocate:

(a) \$75,000 a year to Walla Walla community college for its associate science and associate arts degree programs for the purpose of vineyard and wine-making equipment purchases, student labor, instructional supplies, field work, and travel expenses;

(b) \$25,000 on a one-time basis to Wenatchee community college for the purpose of adapting its orchard employee educational program; and

(c) \$22,000 on a one-time basis to Yakima Valley community college for the purpose of vineyard and wine-making equipment and supply purchases.

The college districts named in this subsection are encouraged to seek a portion of the high-demand student enrollment funding made available on a competitive basis through the state board to address their respective need for additional instructors and professional staff.

**NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON**  
**UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2004) \$311,628,000

General Fund--State Appropriation (FY 2005) \$319,584,000

General Fund--Private/Local Appropriation \$300,000

Death Investigations Account--State Appropriation \$261,000

Accident Account--State Appropriation \$5,937,000

Medical Aid Account--State Appropriation \$5,960,000

**TOTAL APPROPRIATION \$643,670,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic

administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

(8) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY  
WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$185,265,000

General Fund--State Appropriation (FY 2005) \$189,954,000

Washington State University Building Account--State Appropriation \$150,000

**TOTAL APPROPRIATION \$375,369,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand the entering class of veterinary medicine students by 16 full-time equivalent residents each academic year during the 2003-05 biennium.

(2) \$657,000 of the general fund--state appropriation for fiscal year 2004, \$180,000 of the general fund--state appropriation for fiscal year 2005, and the entire Washington state university building account appropriation are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. In consideration of these appropriations, the legislature intends to provide ongoing support of not less than \$180,000 a year for extension field personnel and services. The balance of the amount provided from the fiscal year 2004 appropriation is provided on a one-year basis to enable the university to appoint jointly shared faculty between the Pullman main campus and its branch campus in the TriCities. The legislature expects the university to meet ongoing faculty, staff, and related expenses to support the delivery of baccalaureate degree programs in viticulture and enology by making a successful bid for a portion of high-demand enrollment funding that will be distributed on a competitive basis by the state higher education coordinating board for student instruction pursuant to section 610(3) of this act.

(3) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation in full to the branch campus in Vancouver to create and operate a state institute for engineering and science in partnership with Clark and Lower Columbia community colleges and regional industry leaders in southwest Washington. As a condition of this appropriation, the university shall develop and provide to the satisfaction of the office of financial management a business plan for the new institute. The university, together with its two-year college and industry partners, shall provide the governor, legislature, and state higher education coordinating board with an annual summary of its progress to produce more graduates trained in applied science technologies and engineering. Annual reports to inform and advise policymakers of the partners' success, emerging issues, and resource needs if any shall occur by no later than November 15 during the 2003-05 biennium.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(6) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY  
EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$40,861,000

General Fund--State Appropriation (FY 2005) \$42,183,000

**TOTAL APPROPRIATION \$83,044,000**

The appropriations in this section are subject to the following conditions and limitations: \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**  
**CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$39,765,000  
General Fund--State Appropriation (FY 2005) \$41,391,000  
TOTAL APPROPRIATION \$81,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,050,000 of the general fund--state appropriation for fiscal year 2004 and \$1,050,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 196 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**  
**THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2004) \$22,881,000  
General Fund--State Appropriation (FY 2005) \$23,618,000  
TOTAL APPROPRIATION \$46,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by March 1, 2004.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Chapter 378, Laws of 2003 (ESSB 5903). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Chapter 379, Laws of 2003 (ESSB 5990). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

(e) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the institute for public policy to conduct the evaluation outlined in Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**  
**WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2004) \$53,645,000

General Fund--State Appropriation (FY 2005) \$55,537,000

TOTAL APPROPRIATION \$109,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--**  
**POLICY COORDINATION AND ADMINISTRATION**  
**HIGHER EDUCATION COORDINATING BOARD - POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2004) \$4,952,000

General Fund--State Appropriation (FY 2005) \$7,716,000

General Fund--Federal Appropriation \$642,000

TOTAL APPROPRIATION \$13,310,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

(3) \$2,755,000 of the general fund--state appropriation for fiscal year 2004 and \$5,520,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to contract for 246 full-time equivalent students in high demand fields in fiscal year 2004 and an additional 254 full-time equivalent students in high demand fields in fiscal year 2005. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$70,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2003-05 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Public baccalaureate institutions are eligible to apply for funding and may submit proposals that include cooperative partnerships with private independent institutions.

(b) Among coequals, the board shall make it a priority to fund proposals that prepare students for careers in (i) nursing and other health services; (ii) applied science and engineering; (iii) teaching and speech pathology; (iv) computing and information technology; and (v) viticulture and enology, but not to the exclusion of compelling proposals that document specific regional student and employer demand in fields not listed in this subsection. Proposals and grant awards will separately identify one-time, nonrecurring costs and ongoing costs.

(c) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(d) Baccalaureate institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--  
FINANCIAL AID AND GRANT PROGRAMS**

**HIGHER EDUCATION COORDINATING BOARD - FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2004) \$145,217,000

General Fund--State Appropriation (FY 2005) \$154,412,000

General Fund--Federal Appropriation \$7,530,000

**TOTAL APPROPRIATION \$307,159,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and \$1,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$111,628,000 of the general fund--state appropriation for fiscal year 2004 and \$120,420,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants pursuant to Chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(8) \$1,919,000 of the general fund--state appropriation for fiscal year 2004 and \$2,155,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$794,000 of the general fund--state appropriation for fiscal year 2004 and \$845,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and \$6,050,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program.

(12) \$2,667,000 of the general fund--state appropriation for fiscal year 2004 and \$2,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.

**NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

**WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2004) \$1,662,000  
General Fund--State Appropriation (FY 2005) \$1,620,000  
General Fund--Federal Appropriation \$53,790,000  
TOTAL APPROPRIATION \$57,072,000

The appropriations in this section are subject to the following conditions and limitations: \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$485,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2004 as to the progress and future steps for INTEC as this public-private partnership evolves.

**NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

**SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2004) \$1,403,000  
General Fund--State Appropriation (FY 2005) \$1,419,000  
TOTAL APPROPRIATION \$2,822,000

**NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION**

**WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2004) \$2,247,000  
General Fund--State Appropriation (FY 2005) \$2,253,000  
General Fund--Federal Appropriation \$1,026,000  
TOTAL APPROPRIATION \$5,526,000

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

**WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2004) \$2,400,000  
General Fund--State Appropriation (FY 2005) \$2,467,000  
TOTAL APPROPRIATION \$4,867,000

**NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

**EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2004) \$1,430,000  
General Fund--State Appropriation (FY 2005) \$1,461,000  
TOTAL APPROPRIATION \$2,891,000

**NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND**  
STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$4,614,000  
General Fund--State Appropriation (FY 2005) \$4,641,000  
General Fund--Private/Local Appropriation \$1,335,000  
TOTAL APPROPRIATION \$10,590,000

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF**  
STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2004) \$7,578,000  
General Fund--State Appropriation (FY 2005) \$7,559,000  
General Fund--Private/Local Appropriation \$232,000  
TOTAL APPROPRIATION \$15,369,000

**PART VII  
SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

STATE TREASURER - BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$570,186,000  
General Fund--State Appropriation (FY 2005) \$626,814,000  
Debt-Limit General Fund Bond Retirement Account--State Appropriation \$10,000,000  
State Building Construction Account--State Appropriation \$7,014,000  
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,587,000  
State Taxable Building Construction Account--State Appropriation \$322,000  
TOTAL APPROPRIATION \$1,216,923,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

STATE TREASURER - BOND RETIREMENT AND INTEREST

State Convention and Trade Center Account--State Appropriation \$29,014,000  
Accident Account--State Appropriation \$5,113,000  
Medical Aid Account--State Appropriation \$5,113,000  
TOTAL APPROPRIATION \$39,240,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

STATE TREASURER - BOND RETIREMENT AND INTEREST

General Fund--State Appropriation (FY 2004) \$26,394,000  
General Fund--State Appropriation (FY 2005) \$24,805,000  
Capitol Historic District Construction Account--State Appropriation \$299,000  
Higher Education Construction Account--State Appropriation \$238,000  
State Vehicle Parking Account--State Appropriation \$102,000  
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$128,375,000  
TOTAL APPROPRIATION \$180,213,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.



**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

**STATE TREASURER - BOND RETIREMENT AND INTEREST**

General Fund--State Appropriation (FY 2004) \$526,000  
General Fund--State Appropriation (FY 2005) \$526,000  
Higher Education Construction Account--State Appropriation \$35,000  
State Building Construction Account--State Appropriation \$2,032,000  
State Vehicle Parking Account--State Appropriation \$17,000  
Capitol Historic District Construction Account--State Appropriation \$45,000  
State Taxable Building Construction Account--State Appropriation \$50,000  
TOTAL APPROPRIATION \$3,231,000

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL.**

**OFFICE OF FINANCIAL MANAGEMENT - FIRE CONTINGENCY POOL**

The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

**OFFICE OF FINANCIAL MANAGEMENT - EMERGENCY FUND**

General Fund--State Appropriation (FY 2004) \$850,000  
General Fund--State Appropriation (FY 2005) \$850,000  
TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS**

**OFFICE OF FINANCIAL MANAGEMENT - EXTRAORDINARY CRIMINAL JUSTICE COSTS**

Public Safety and Education Account--State Appropriation \$766,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the entire appropriation to King county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 708. BELATED CLAIMS.**

**BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 709. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

**GOVERNOR - COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2004) \$8,243,000  
General Fund--State Appropriation (FY 2005) \$38,879,000  
Dedicated Funds and Accounts Appropriation \$41,232,000  
TOTAL APPROPRIATION \$88,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2003-38, a computerized tabulation developed by the legislative evaluation and accountability program committee on June 2, 2003, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2003-38, and adjust appropriation schedules accordingly.

(2)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$504.89 per eligible employee for fiscal year 2004, and \$592.30 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.35. Starting January 1, 2005, the subsidy shall be \$116.19 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$42.76 per month beginning September 1, 2003, and \$49.14 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.76 each month beginning September 1, 2003, and \$49.14 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The appropriations in this section include amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (2) of this section, consistent with the 2003-2005 transportation appropriations act.

**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

**DEPARTMENT OF RETIREMENT SYSTEMS - CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) \$21,256,000

General Fund--State Appropriation (FY 2005) \$20,914,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000

General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000

General Fund--State Appropriation (FY 2005) \$500,000

TOTAL APPROPRIATION \$55,170,000

**NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

OFFICE OF FINANCIAL MANAGEMENT - CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2004) \$578,000  
General Fund--State Appropriation (FY 2005) \$584,000  
Public Safety and Education Account--State Appropriation \$146,000  
Judicial Information Systems Account--State Appropriation \$57,000  
Department of Retirement Systems Expense Account--State Appropriation \$14,000  
TOTAL APPROPRIATION \$1,379,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to fund pension contributions to the public employees' retirement system and teachers' retirement system for judicial and legislative employees, effective July 1, 2003. The office of financial management shall update agency appropriation schedules to reflect the addition of the funding in this section, as identified by agency and fund in LEAP document 2003-39 dated June 3, 2003.

**NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

OFFICE OF FINANCIAL MANAGEMENT - EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2004) \$10,468,000  
General Fund--State Appropriation (FY 2005) \$10,468,000  
TOTAL APPROPRIATION \$20,936,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 713. INCENTIVE SAVINGS--FY 2004.**  
INCENTIVE SAVINGS - FY 2004

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2004, from the total amount of unspent fiscal year 2004 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 715, 717, 718, and 724 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 714. INCENTIVE SAVINGS--FY 2005.**  
INCENTIVE SAVINGS - FY 2005

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2005, from the total amount of unspent fiscal year 2005 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 715, 717, 718, and 724 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 715. INCREASED FEDERAL ASSISTANCE.**  
INCREASED FEDERAL ASSISTANCE.

(1) If the department of social and health services or the department of veterans affairs receives federal funding to enhance the federal medical assistance percentage for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27), the moneys shall be expended as

an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

- (a) The moneys shall be expended in the manner required by the federal act;
- (b) The federal moneys shall be expended in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and
- (c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

(2) If the state receives federal funding for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27) in addition to the funding described in subsection (1) of this section, the moneys may be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

- (a) The moneys shall be expended in the manner required by the federal act;
- (b) The federal moneys shall be expended for necessary state services and in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and
- (c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

**Sec. 716.** 2003 c 10 s 708 (uncodified) is amended to read as follows:

**INCENTIVE SAVINGS--FY 2003.**

**INCENTIVE SAVINGS - FY 2003**

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of ~~((this act and section 706 of this act))~~ chapter 371, Laws of 2002 and section 715 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 717. AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS.**

**AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT AND PERSONAL SERVICE CONTRACTS.**

The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$20,000,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of expenditures identified in LEAP document 2003-36, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 25, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 718. AGENCY EXPENDITURES FOR TORT LIABILITY.**

**AGENCY EXPENDITURES FOR TORT LIABILITY.**

The office of financial management shall reduce allotments for all agencies by \$10,638,000 from 2003-05 biennial general fund appropriations in this act to reflect the reduction in contributions to the liability account. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE**

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT - COUNTY PUBLIC HEALTH ASSISTANCE**

Health Services Account--State Appropriation \$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<b>Health District</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2003-05 Biennium</b>
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062

Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
<b>TOTAL APPROPRIATIONS</b>	<b>\$24,000,000</b>	<b>\$24,000,000</b>	<b>\$48,000,000</b>

**NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT - COUNTY ASSISTANCE

General Fund--Federal Appropriation \$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	<b>FY 2004</b>
Adams	\$334,400
Asotin	\$361,900
Columbia	\$679,700
Douglas	\$264,000
Ferry	\$283,600
Garfield	\$759,800
Island	\$66,400
Lincoln	\$297,700

Mason	\$298,000
Okanogan	\$280,000
Pacific	\$89,700
Pend Oreille	\$181,600
Skamania	\$88,000
Stevens	\$418,000
Wahkiakum	\$452,900
Walla Walla	\$144,300
<b>TOTAL APPROPRIATIONS</b>	<b>\$5,000,000</b>

**NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE**  
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT - MUNICIPAL ASSISTANCE

General Fund--Federal Appropriation \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

	<b>FY 2004</b>	<b>FY 2005</b>	<b>2003-05 Biennium</b>
Airway Heights	\$3,900	\$2,600	\$6,500
Albion	\$20,500	\$13,700	\$34,200
Almira	\$600	\$400	\$1,000
Asotin	\$8,400	\$5,600	\$14,000
Benton City	\$13,200	\$8,800	\$22,000
Black Diamond	\$15,600	\$10,400	\$2,600
Bridgeport	\$58,100	\$38,700	\$96,800
Brier	\$110,200	\$73,500	\$183,700
Bucoda	\$12,800	\$8,500	\$21,300
Carbonado	\$12,600	\$8,400	\$21,000

Cashmere	\$11,000	\$7,300	\$18,300
Cheney	\$16,400	\$10,900	\$27,300
Chewelah	\$1,100	\$600	\$1,700
Colfax	\$800	\$500	\$1,300
College Place	\$117,800	\$78,500	\$196,300
Colton	\$4,600	\$3,100	\$7,700
Conconully	\$3,300	\$2,200	\$5,500
Concrete	\$900	\$600	\$1,500
Connell	\$23,300	\$15,500	\$38,800
Coulee Dam	\$4,700	\$3,100	\$7,800
Covington	\$100,300	\$66,900	\$167,200
Creston	\$1,600	\$1,100	\$2,700
Cusick	\$600	\$400	\$1,000
Darrington	\$4,800	\$3,200	\$8,000
Davenport	\$3,800	\$2,500	\$6,300
Dayton	\$1,200	\$800	\$2,000
Des Moines	\$137,500	\$91,700	\$229,200
Edgewood	\$233,300	\$155,500	\$388,800
Electric City	\$22,800	\$15,200	\$38,000
Elma	\$1,600	\$1,100	\$2,700
Elmer City	\$9,200	\$6,100	\$15,300
Endicott	\$8,900	\$5,900	\$14,800
Entiat	\$8,700	\$5,800	\$14,500
Everson	\$4,000	\$2,700	\$6,700
Fairfield	\$1,100	\$600	\$1,700



Farmington	\$2,400	\$1,600	\$4,000
Firecrest	\$42,700	\$28,500	\$71,200
Forks	\$4,200	\$2,800	\$7,000
Garfield	\$10,600	\$7,100	\$17,700
George	\$1,900	\$1,300	\$3,200
Gold Bar	\$24,700	\$16,500	\$41,200
Grandview	\$13,100	\$8,700	\$21,800
Granger	\$24,200	\$16,100	\$40,300
Hamilton	\$3,400	\$2,300	\$5,700
Harrah	\$13,500	\$9,000	\$22,500
Harrington	\$700	\$500	\$1,200
Hartline	\$2,800	\$1,900	\$4,700
Hatton	\$3,800	\$2,500	\$4,700
Hoquiam	\$16,600	\$11,100	\$27,700
Index	\$600	\$400	\$1,000
Ione	\$1,500	\$1,000	\$2,500
Kahlotus	\$4,900	\$3,300	\$8,200
Kenmore	\$113,000	\$75,300	\$188,300
Kettle Falls	\$3,200	\$2,100	\$5,300
Kittitas	\$14,200	\$9,500	\$23,700
Krupp	\$700	\$500	\$1,200
Lacrosse	\$2,200	\$1,500	\$3,700
Lake Forest Park	\$116,600	\$77,700	\$194,300
Lake Stevens	\$3,900	\$2,600	\$6,500
Lakewood	\$303,100	\$202,100	\$505,200

Lamont	\$2,100	\$1,400	\$3,500
Latah	\$2,200	\$1,500	\$3,700
Lyman	\$3,000	\$2,000	\$5,000
Mabton	\$44,000	\$29,300	\$73,300
Malden	\$6,700	\$4,500	\$11,200
Mansfield	\$6,900	\$4,600	\$11,500
Maple Valley	\$14,200	\$9,500	\$23,700
Marcus	\$3,000	\$2,000	\$5,000
Mattawa	\$14,500	\$9,700	\$24,200
McCleary	\$12,500	\$8,300	\$20,800
Medical Lake	\$8,200	\$5,500	\$13,700
Mesa	\$1,400	\$900	\$2,300
Metaline	\$1,800	\$1,200	\$3,000
Metaline Falls	\$800	\$500	\$1,300
Mossyrock	\$600	\$400	\$1,000
Mountlake Terrace	\$27,000	\$18,000	\$45,000
Moxee	\$1,900	\$1,300	\$3,200
Napavine	\$16,700	\$11,100	\$27,800
Nespelem	\$5,400	\$3,600	\$9,000
Newcastle	\$1,400	\$900	\$2,300
Nooksack	\$10,900	\$7,300	\$18,200
Normandy Park	\$70,200	\$46,800	\$117,000
North Bonneville	\$1,500	\$1,000	\$2,500
Northport	\$5,900	\$3,900	\$9,800
Oakesdale	\$2,500	\$1,700	\$4,200

Oakville	\$5,900	\$3,900	\$9,800
Orting	\$10,300	\$6,900	\$17,200
Palouse	\$6,300	\$4,200	\$10,500
Pateros	\$600	\$400	\$1,000
Pe Ell	\$16,900	\$11,300	\$28,200
Pomeroy	\$2,100	\$1,400	\$3,500
Prescott	\$1,100	\$600	\$1,700
Pullman	\$18,200	\$12,100	\$30,300
Rainier	\$22,900	\$15,300	\$38,200
Raymond	\$600	\$400	\$1,000
Reardan	\$7,200	\$4,800	\$12,000
Republic	\$900	\$600	\$1,500
Riverside	\$6,000	\$4,000	\$10,000
Rock Island	\$4,900	\$3,300	\$8,200
Rockford	\$1,400	\$900	\$2,300
Rosalia	\$5,500	\$3,700	\$9,200
Roslyn	\$9,700	\$6,500	\$16,200
Royal City	\$10,300	\$6,900	\$17,200
Ruston	\$6,700	\$4,500	\$11,200
Sammamish	\$276,900	\$184,600	\$461,500
Shoreline	\$55,400	\$36,900	\$92,300
Soap Lake	\$16,300	\$10,900	\$27,200
South Bend	\$4,600	\$3,100	\$7,700
South Cle Elum	\$9,200	\$6,100	\$15,300
South Prairie	\$1,500	\$1,000	\$2,500

Sprague	\$1,100	\$700	\$1,800
Springdale	\$600	\$400	\$1,000
Starbuck	\$2,300	\$1,500	\$3,800
Steilacoom	\$16,400	\$10,900	\$27,300
Tekoa	\$4,100	\$2,700	\$6,800
Tenino	\$5,800	\$3,900	\$9,700
Tieton	\$10,400	\$6,900	\$17,300
Toppenish	\$53,600	\$35,700	\$89,300
Uniontown	\$2,500	\$1,700	\$4,200
University Place	\$262,300	\$174,900	\$437,200
Vader	\$10,600	\$7,100	\$17,700
Waitsburg	\$13,000	\$8,700	\$21,700
Wapato	\$30,100	\$20,100	\$50,200
Warden	\$8,200	\$5,500	\$13,700
Washtucna	\$6,400	\$4,300	\$10,700
Waterville	\$10,800	\$7,200	\$18,000
Waverly	\$3,000	\$2,000	\$5,000
West Richland	\$71,700	\$47,800	\$119,500
White Salmon	\$900	\$600	\$1,500
Wilbur	\$600	\$400	\$1,000
Wilkeson	\$600	\$400	\$1,000
Wilson Creek	\$2,900	\$1,900	\$4,800
Yacolt	\$3,100	\$2,100	\$5,200
Zillah	\$4,600	\$3,100	\$7,700
<b>TOTAL APPROPRIATIONS</b>	<b>\$3,000,000</b>	<b>\$2,000,000</b>	<b>\$5,000,000</b>

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--HIGHER EDUCATION ENROLLMENT.**

**OFFICE OF FINANCIAL MANAGEMENT - HIGHER EDUCATION ENROLLMENT**

General Fund--State Appropriation (FY 2004) \$3,125,000

General Fund--State Appropriation (FY 2005) \$3,126,000

TOTAL APPROPRIATION \$6,251,000

The appropriations in this section are subject to the following conditions and limitation: \$3,125,000 of the general fund--state for fiscal year 2004 and \$3,126,000 of the general fund--state for fiscal year 2005 are provided solely for allocation to public baccalaureate institutions to expand state-supported college access by 400 full-time equivalent student enrollments with junior class standing over levels in the 2002-03 academic year. With these amounts, the legislature intends to assist qualified residents seeking to transfer with an associate degree or credits sufficient to enter degree programs with junior-class standing. Any institution receiving an allocation for instruction shall provide data as required by the forecast division of the office of financial management to establish a baseline and monitor change in state-supported enrollment. This data will also be provided to the state board for community and technical colleges, the higher education coordinating board, and the higher education policy and fiscal legislative committees to demonstrate the impact of this section.

**NEW SECTION. Sec. 723. FOR SUNDRY CLAIMS.**  
**SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110: Kelly C. Schwartz, claim number SCJ 03-10 \$18,250

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

(a) Circle S Landscape Supplies, claim number SCG 03-05 \$49,380

(b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175

(c) Paul Gibbons, claim number SCG 03-09 \$12,414

(d) Bud Hamilton, claim number SCG 03-10 \$15,591

(e) Richard Anderson, claim number SCG 03-11 \$75,933

(f) Neil Ice, claim number SCG 03-12 \$73,474

(g) Carl Anderson, claim number SCG 03-13 \$120,943

**NEW SECTION. Sec. 724. AGENCY EXPENDITURES FOR LEGISLATIVE LIAISONS.**  
**AGENCY EXPENDITURES FOR LEGISLATIVE LIAISONS**

During the 2003-05 fiscal biennium, no state agency or institution may expend any moneys appropriated in this act to employ legislative liaisons or contract for legislative liaisons. However, each independently elected statewide official may employ one FTE legislative liaison during the 2003-05 fiscal biennium. The office of financial management shall reduce allotments for agencies by \$3,257,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of the expenditures identified in LEAP document 34, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 3, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

State funds provided in Part V of this act may not be expended by or for any organization, association, or other entity to influence the passage or defeat of any legislation by the legislature of the state of Washington.

**NEW SECTION. Sec. 725.** 2003 c 360 s 408 (uncodified) is repealed.

**NEW SECTION. Sec. 726.** A new section is added to 2003 c 360 (uncodified) to read as follows:  
**FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

**OFFICE OF FINANCIAL MANAGEMENT - CONTRIBUTIONS TO RETIREMENT SYSTEMS**

Aeronautics Account--State Appropriation (\$8,000)

State Patrol Highway Account--State Appropriation (\$443,000)

State Patrol Highway Account--Federal Appropriation (\$16,000)

State Patrol Highway Account--Local Appropriation (\$6,000)

Motorcycle Safety Education Account--State Appropriation (\$2,000)

Rural Arterial Trust Account--State Appropriation (\$4,000)

Wildlife Account--State Appropriation (\$2,000)

Highway Safety Account--State Appropriation (\$461,000)  
 Highway Safety Account--Federal Appropriation (\$14,000)  
 Motor Vehicle Account--State Appropriation (\$2,305,000)  
 Puget Sound Ferry Operations Account--State Appropriation (\$1,414,000)  
 Urban Arterial Trust Account--State Appropriation (\$10,000)  
 Transportation Improvement Account--State Appropriation (\$10,000)  
 County Arterial Preservation Account--State Appropriation (\$4,000)  
 Department of Licensing Services Account--State Appropriation (\$2,000)  
 Multi-Modal Transportation Account--State Appropriation (\$154,000)  
 TOTAL APPROPRIATION (\$4,855,000)

The office of financial management shall update agency appropriation schedules to reflect the addition of the funding in this section, as identified by agency and fund in LEAP document 2003-37 dated May 27, 2003. The appropriations in this section are provided solely for funding agency pension changes as set forth in Senate Bill No. 6029 or House Bill No. 2254.

**PART VIII  
 OTHER TRANSFERS AND APPROPRIATIONS**

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

**STATE TREASURER - STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions \$4,711,500  
 General Fund Appropriation for public utility district excise tax distributions \$39,273,684  
 General Fund Appropriation for prosecuting attorney distributions \$3,441,197  
 General Fund Appropriation for boating safety and education distributions \$4,074,300  
 General Fund Appropriation for other tax distributions \$34,750  
 Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$2,123,723  
 Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$187,068  
 Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$51,192,170  
 County Criminal Justice Assistance Appropriation \$52,131,000  
 Municipal Criminal Justice Assistance Appropriation \$21,069,000  
 Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$32,624,831  
 Liquor Revolving Account Appropriation for liquor profits distribution \$57,511,693  
 TOTAL APPROPRIATION \$268,374,916

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

**STATE TREASURER - COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation \$1,896,502

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

**STATE TREASURER - MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation \$1,264,335

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium to all cities ratably based

on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION**

**STATE TREASURER - FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution \$1,293,828  
General Fund Appropriation for federal flood control funds distribution \$25,050  
Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$83,492,373  
TOTAL APPROPRIATION \$84,811,251

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS**  
**STATE TREASURER - TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account: For transfer to the state general fund \$10,000,000  
County Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$74,000  
Financial Services Regulation Fund: For transfer to the state general fund at the beginning of fiscal year 2005 \$1,632,000  
Municipal Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$374,000  
Asbestos Account: For transfer to the state general fund \$200,000  
Electrical License Account: For transfer to the state general fund \$7,000,000  
Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000  
Pressure Systems Safety Account: For transfer to the state general fund \$1,000,000  
Health Services Account: For transfer to the water quality account \$8,182,000  
State Treasurer's Service Account: For transfer to the general fund \$10,000,000  
Public Works Assistance Account: For transfer to the drinking water assistance account \$8,387,000  
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,000,000  
Health Service Account: For transfer to the violence reduction and drug enforcement account \$7,789,000  
Nisqually Earthquake Account: For transfer to the disaster response account \$6,200,000  
Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000  
Public Service Revolving Account: For transfer to the state general fund \$1,600,000  
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000  
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000  
Water Quality Account: For transfer to the water pollution control account \$10,500,000  
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005 \$8,427,000  
Insurance Commissioner's Regulatory Account: For transfer to the state general fund \$1,500,000  
Health Services Account: For transfer to the tobacco prevention and control account \$24,216,000  
From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund.  
This transfer is intended to liquidate the emergency reserve fund \$59,350,000  
Department of Retirement Systems Expense Account: For transfer to the state general fund \$1,500,000  
Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000

Multimodal Transportation Account: For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount on a quarterly basis \$4,170,726

Multimodal Transportation Account: For transfer to the vessel response account for fiscal year 2004 \$1,213,704

Resource Management Cost Account: For transfer to the contract harvesting revolving account \$250,000

Forest Development Account: For transfer to the contract harvesting revolving account \$250,000

Site Closure Account: For transfer to the state general fund \$13,800,000

Health Services Account: For transfer to the general fund--state for fiscal year 2005 \$1,250,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- TRANSFERS**

**DEPARTMENT OF RETIREMENT SYSTEMS - TRANSFERS**

General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system \$21,901

**PART IX  
MISCELLANEOUS**

**NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.**  
**EXPENDITURE AUTHORIZATIONS**

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2001-03 biennium.

**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.**  
**INFORMATION SYSTEMS PROJECTS**

Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.



(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

#### **NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.**

##### **VIDEO TELECOMMUNICATIONS**

The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

#### **NEW SECTION. Sec. 904. PROGRAM COST SHIFTS**

##### **PROGRAM COST SHIFTS.**

Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

#### **NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS.**

##### **EMERGENCY FUND ALLOCATIONS**

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

#### **NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS.**

##### **STATUTORY APPROPRIATIONS**

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 907. BOND EXPENSES.**  
**BOND EXPENSES**

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES.**  
**VOLUNTARY SEPARATION INCENTIVES**

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2004.

**NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES.**  
**VOLUNTARY RETIREMENT INCENTIVES**

It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2005, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2003-05 biennium.

**Sec. 910.** RCW 19.28.351 and 1988 c 81 s 11 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and ~~((by him))~~ paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, ~~((said))~~ the fund, and of all disbursements therefrom.

During the 2003-2005 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 911.** RCW 28A.305.210 and 1975 1st ex.s. c 275 s 51 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the 2003-05 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 912.** RCW 28A.500.030 and 2002 c 317 s 4 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to June 30, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

**Sec. 913.** RCW 38.52.106 and 2002 c 371 s 904 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the ~~((2004-))~~ 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs ~~((and costs associated with national security preparedness activities))~~.

**Sec. 914.** RCW 41.50.110 and 2003 c 295 (SHB 1204) s 3 and 2003 c 294 (HB 1200) s 11 are each reenacted and amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2003-2005 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 915.** RCW 43.03.050 and 1990 c 30 s 1 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

**Sec. 916.** RCW 43.08.190 and 1991 sp.s. c 13 s 83 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(~~((2)(b))~~) or 43.84.092(~~((2)(b))~~) (4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 917.** RCW 43.10.180 and 1979 c 151 s 95 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2003-05 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

**Sec. 918.** RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289 s 4 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2003))~~ 2005, the legislature may appropriate moneys from the public safety and education

account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

**Sec. 919.** RCW 43.43.944 and 1999 c 117 s 2 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
- (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the 2003-2005 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

**Sec. 920.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the

state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.

**Sec. 921.** RCW 43.320.110 and 2002 c 371 s 912 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

~~((Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the digital government revolving account.))~~ During the ~~((2001-))~~ 2003-2005 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund ~~((and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings)).~~

**Sec. 922.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(3) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ORV account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection (1) of this section.

**Sec. 923.** RCW 48.02.190 and 2002 c 371 s 913 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

**Sec. 924.** RCW 49.26.130 and 1989 c 154 s 9 are each amended to read as follows:

(1) The department shall administer this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.05 and 49.17 RCW, rules necessary to carry out this chapter.

(3) The department shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director of the department or the director's designee.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the asbestos account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 925.** RCW 50.16.010 and 2002 c 371 s 914 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

- (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
- (5) all money recovered on official bonds for losses sustained by the fund,
- (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
- (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
- (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

- (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.
- (b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.
- (c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.
- (d) During the ~~((2001-))~~2003-2005 fiscal biennium, the cost of ~~((worker retraining programs))~~ the job skills program and the alliance for corporate education at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 926.** RCW 51.44.170 and 2002 c 371 s 916 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the ~~((reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

**Sec. 927.** RCW 66.08.190 and 2002 c 38 s 2 are each amended to read as follows:

(1) Except for revenues generated by the 2003 surcharge of \$0.42/liter on retail sales of spirits that shall be distributed to the state general fund during the 2003-2005 biennium, when excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

- (a) Three-tenths of one percent to border areas under RCW 66.08.195; and
- (b) From the amount remaining after distribution under (a) of this subsection, (i) fifty percent to the general fund of the state, (ii) ten percent to the counties of the state, and (iii) forty percent to the incorporated cities and towns of the state.

(2) During the months of June, September, December, and March of each year, prior to disbursing the distribution to incorporated cities and towns under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any



legislative appropriation from the city and town research services account. The treasurer shall deposit the amount deducted into the city and town research services account.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

**Sec. 928.** RCW 66.16.010 and 1939 c 172 s 10 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five percent. Effective no later than September 1, 2003, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military, and tribal sales. The intent of this surcharge is to raise \$14,000,000 in additional general fund-state revenue for the 2003-2005 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

(2) The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

(3) The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the state of Washington, federal government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

**Sec. 929.** RCW 67.40.040 and 1995 c 386 s 13 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 930.** RCW 69.50.520 and 2002 c 371 s 920 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((2001-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the replacement of the department of corrections' offender based tracking system))~~ funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, civil indigent legal representation, ~~((and for))~~ multijurisdictional narcotics task forces~~((-- After July 1, 2003, at least seven and one half percent of expenditures from the account shall be used for providing))~~, and grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 931.** RCW 70.79.350 and 1979 c 151 s 171 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and ~~((by him, as such custodian,))~~ the treasurer shall place ((said)) all sums in a special fund hereby created and designated as the "pressure systems safety fund". ((Said)) Funds ((by him)) shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of ((said)) the fund, shall keep an accurate record of any payments into ((said)) the fund, and of all disbursements therefrom. ((Said)) The fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of ((his)) the office. The fund shall be charged with its pro rata share of the cost of administering ((said)) the fund which is to be determined by the director of financial management and by the director of the department of labor and industries.

During the 2003-2005 fiscal biennium, the legislature may transfer from the pressure systems safety fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 932.** RCW 70.94.483 and 1991 sp.s. c 13 ss 64, 65 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation. However, during the 2003-05 fiscal biennium, the legislature may transfer from the wood stove education and enforcement account to the air pollution control account such amounts as specified in the omnibus operating budget bill.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

**Sec. 933.** RCW 70.105D.070 and 2001 c 27 s 2 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

- (iv) State matching funds required under the federal cleanup law;
  - (v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
  - (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
  - (vii) Hazardous materials emergency response training;
  - (viii) Water and environmental health protection and monitoring programs;
  - (ix) Programs authorized under chapter 70.146 RCW;
  - (x) A public participation program, including regional citizen advisory committees;
  - (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
  - (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.
- (3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.
- (a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2003-05 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus operating budget bill for methamphetamine lab cleanup.
- (b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.
- (4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.
- (5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.
- (6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.
- (7) The department shall adopt rules for grant or loan issuance and performance.

**Sec. 934.** RCW 70.146.030 and 2002 c 371 s 921 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other

funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2004))~~ 2003, to June 30, ~~((2003))~~ 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

**Sec. 935.** RCW 70.146.080 and 1994 sp.s. c 6 s 902 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the 2003-05 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

**Sec. 936.** RCW 72.11.040 and 2001 2nd sp.s. c 7 s 919 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2004-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 937.** RCW 76.12.050 and 1973 1st ex.s. c 50 s 1 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, 2005, the department, with approval of the board, may exchange any state forest land and any timber thereon for any real property and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

**Sec. 938.** RCW 76.12.170 and 1988 c 128 s 36 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 939.** RCW 79.08.180 and 1987 c 113 s 1 are each amended to read as follows:

(1) The department of natural resources, with the approval of the board of natural resources, may exchange any state land and any timber thereon for any land of equal value in order to:

~~((1))~~ (a) Facilitate the marketing of forest products of state lands;

~~((2))~~ (b) Consolidate and block-up state lands;

~~((3))~~ (c) Acquire lands having commercial recreational leasing potential;

~~((4))~~ (d) Acquire county-owned lands;

~~((5))~~ (e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.01.784; or

~~((6))~~ (f) Acquire any other lands when such exchange is determined by the board of natural resources to be in the best interest of the trust for which the state land is held.

~~((7))~~ (2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

~~((8))~~ (3) The board of natural resources shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, 2005, the department, with approval of the board, may exchange any state land and any timber thereon for any land and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

**Sec. 940.** RCW 80.01.080 and 2002 c 371 s 924 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the ~~((appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the fund.

**Sec. 941.** RCW 82.14.200 and 1998 c 321 s 8 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the statewide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account

sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and  
(b) Fifty percent to the distressed county public facilities construction loan account under RCW 43.160.220, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds shall be deposited into the public facilities construction loan revolving account.

(10) During the 2003-2005 fiscal biennium, the legislature may transfer from the county sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 942.** RCW 82.14.210 and 1996 c 64 s 1 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the statewide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by forty-five fifty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted

average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the statewide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the statewide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues

shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(8) During the 2003-2005 fiscal biennium, the legislature may transfer from the municipal sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance in the account.

**Sec. 943.** RCW 86.26.007 and 1997 c 149 s 914 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter (~~or, during the 1997-99 fiscal biennium, for transfer to the disaster response account~~). During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 944.** During the 2003-05 fiscal biennium, the requirement is suspended that the department of social and health services issue the reports required by the following statutes; however, the department shall continue to maintain any required data.

- (1) RCW 74.08A.130 (naturalization facilitation);
- (2) RCW 74.14C.080 (intensive family preservation services);
- (3) RCW 74.20A.340(1) (license suspension);
- (4) RCW 71.24.460 (mentally ill offender community transition);
- (5) Section 910, chapter 7, Laws of 2001 2nd sp. sess. (voluntary retirement);
- (6) RCW 80.36.475 (telephone assistance); and
- (7) RCW 72.23.450 (state hospitals).

**NEW SECTION. Sec. 945.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 946.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 19.28.351, 28A.305.210, 28A.500.030, 38.52.106, 43.03.050, 43.08.190, 43.10.180, 43.43.944, 43.320.110, 46.09.170, 48.02.190, 49.26.130, 50.16.010, 51.44.170, 66.08.190, 66.16.010, 67.40.040, 69.50.520, 70.79.350, 70.94.483, 70.105D.070, 70.146.030, 70.146.080, 72.11.040, 76.12.050, 76.12.170, 79.08.180, 80.01.080, 82.14.200, 82.14.210, and 86.26.007; reenacting and amending RCW 41.50.110, 43.08.250, and 43.135.045; amending 2003 c 10 s 708 (uncodified); adding a new section to 2003 c 360 (uncodified); creating new sections; repealing 2003 c 360 s 408 (uncodified); making appropriations; and declaring an emergency."

There being no objection, the House adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404 and advanced the bill to Final Passage.

### **FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE**

Representatives Sommers and Sehlin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5404 as recommended by the Conference Committee.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5404, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.



Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Campbell, Chandler, Clements, Clibborn, Condotta, Cox, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Santos, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sump, Talcott, Tom, Wallace, Woods and Mr. Speaker - 67.

Voting nay: Representatives Cairnes, Carrell, Chase, Cody, Conway, Cooper, Crouse, Darneille, Dickerson, Haigh, Hudgins, Hunt, Kirby, McCoy, McDermott, McMahan, Miloscia, Moeller, Morrell, Nixon, Pettigrew, Romero, Ruderman, Schindler, Schual-Berke, Simpson, Sullivan, Upthegrove, Veloria and Wood - 30.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404.

DAN ROACH, 31<sup>st</sup> District

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

### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, By Senate Committee on Ways & Means (originally sponsored by Senator Oke; by request of Office of Financial Management)**

**Modifying the distribution of state property taxes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6058.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6058 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McIntire, McMorris, Morris, Newhouse, Orcutt, Pearson, Pflug, Priest, Rockefeller, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Boldt, Cairnes, Carrell, Chase, Conway, Cooper, Ericksen, Hinkle, Holmquist, Hudgins, Hunt, Kenney, Kirby, McCoy, McDermott, McDonald, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Pettigrew, Quall, Romero, Ruderman, Simpson, Upthegrove and Veloria - 31.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 6058.

KATHRYN HAIGH, 35<sup>th</sup> District

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 6058.

DAN ROACH, 31<sup>st</sup> District

There being no objection, the rules were suspended, the Rules Committee was relieved of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336 and the bill was placed on the Third Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338 and the bill was placed on the Third Reading calendar.

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

### THIRD READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, By House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke)**

#### **Concerning watershed planning.**

There being no objection, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336 was returned to Second Reading for purpose of amendments.

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

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, By House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke)**

#### **Concerning watershed planning.**

Representative Linville moved the adoption of the following amendment (579):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

**Sec. 2.** RCW 90.82.040 and 2001 c 237 s 2 are each amended to read as follows:

(1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and implementation. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit's watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating governments for each planning unit must inform the department whether they intend to have the planning unit establish or amend instream flows as part of its planning process. If they elect to have the planning unit establish or amend instream flows, the planning unit is eligible to receive one hundred thousand dollars for that purpose in accordance with (a)(ii) of this subsection. If the initiating governments for a planning unit elect not to establish or amend instream flows as part of the unit's planning process, the department shall retain one hundred thousand dollars to carry out an assessment to support establishment of instream flows and to establish such flows in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use these funds to amend an existing instream flow unless requested to do so by the initiating governments for a planning unit.

(d) In administering funds appropriated for supplemental funding for optional plan components under (a)(ii) of this subsection, the department shall give priority in granting the available funds to proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four watershed plan implementation following approval under the provisions of RCW 90.82.130. A match of ten percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

(3)(a) The department shall use the eligibility criteria in this subsection (3) instead of rules, policies, or guidelines when evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3), the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this chapter;

- (ii) The application demonstrates a need for state planning funds to accomplish the objectives of the planning process; and
- (iii) The application and supporting information evidences a readiness to proceed.
- (c) In ranking grant applications submitted at each stage of the grants program, the department shall give preference to applications in the following order of priority:
  - (i) Applications from existing planning groups that have been in existence for at least one year;
  - (ii) Applications that address protection and enhancement of fish habitat in watersheds that have aquatic fish species listed or proposed to be listed as endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which there is evidence of an inability to supply adequate water for population and economic growth from:
    - (A) First, multi-WRIA planning; and
    - (B) Second, single WRIA planning;
  - (iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:
    - (A) First, multi-WRIA planning; and
    - (B) Second, single WRIA planning.
  - (d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.
- (4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.
- (5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.
- (6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.82 RCW to read as follows:

- (1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.
- (2) Each implementation plan must contain strategies to provide sufficient water for: (a) Production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.
- (3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative approvals and permits that must be secured; and specific funding mechanisms.
- (4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.
- (5) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

**Sec. 4.** RCW 90.82.080 and 1998 c 247 s 4 are each amended to read as follows:

- (1)(a) If the initiating governments choose, by majority vote, to include an instream flow component, it shall be accomplished in the following manner:
  - (i) If minimum instream flows have already been adopted by rule for a stream within the management area, unless the members of the local governments and tribes on the planning unit by a recorded unanimous vote request the department to modify those flows, the minimum instream flows shall not be modified under this chapter. If the members of local governments and tribes request the planning unit to modify instream flows and unanimous approval of the decision to modify such flow is not achieved, then the instream flows shall not be modified under this section;
  - (ii) If minimum stream flows have not been adopted by rule for a stream within the management area, setting the minimum instream flows shall be a collaborative effort between the department and members of the planning unit. The department must attempt to achieve consensus and approval among the members of the planning unit regarding the minimum flows to be adopted by the department. Approval is achieved if all government members and tribes that have been invited and accepted on the planning unit present for a recorded vote unanimously vote to support the proposed minimum instream flows, and all nongovernmental members of the planning unit present for the recorded vote, by a majority, vote to support the proposed minimum instream flows.
- (b) The department shall undertake rule making to adopt flows under (a) of this subsection. The department may adopt the rules either by the regular rules adoption process provided in chapter 34.05 RCW, the expedited rules adoption process as set forth in RCW (~~34.05.230~~) 34.05.353, or through a rules adoption process that uses public hearings and notice provided by the county legislative authority to the greatest extent

possible. Such rules do not constitute significant legislative rules as defined in RCW 34.05.328, and do not require the preparation of small business economic impact statements.

(c) If approval is not achieved within four years of the date the planning unit first receives funds from the department for conducting watershed assessments under RCW 90.82.040, the department may promptly initiate rule making under chapter 34.05 RCW to establish flows for those streams and shall have two additional years to establish the instream flows for those streams for which approval is not achieved.

(2)(a) Notwithstanding RCW 90.03.345, minimum instream flows set under this section for rivers or streams that do not have existing minimum instream flow levels set by rule of the department shall have a priority date of two years after funding is first received from the department under RCW 90.82.040, unless determined otherwise by a unanimous vote of the members of the planning unit but in no instance may it be later than the effective date of the rule adopting such flow.

(b) Any increase to an existing minimum instream flow set by rule of the department shall have a priority date of two years after funding is first received for planning in the WRIA or multi-WRIA area from the department under RCW 90.82.040 and the priority date of the portion of the minimum instream flow previously established by rule shall retain its priority date as established under RCW 90.03.345.

(c) Any existing minimum instream flow set by rule of the department that is reduced shall retain its original date of priority as established by RCW 90.03.345 for the revised amount of the minimum instream flow level.

(3) Before setting minimum instream flows under this section, the department shall engage in government-to-government consultation with affected tribes in the management area regarding the setting of such flows.

(4) Nothing in this chapter either: (a) Affects the department's authority to establish flow requirements or other conditions under RCW 90.48.260 or the federal clean water act (33 U.S.C. Sec. 1251 et seq.) for the licensing or relicensing of a hydroelectric power project under the federal power act (16 U.S.C. Sec. 791 et seq.); or (b) affects or impairs existing instream flow requirements and other conditions in a current license for a hydroelectric power project licensed under the federal power act.

(5) If the planning unit is unable to obtain unanimity under subsection (1) of this section, the department may adopt rules setting such flows.

(6) The department shall report annually to the appropriate legislative standing committees on the progress of instream flows being set under this chapter, as well as progress toward setting instream flows in those watersheds not being planned under this chapter. The report shall be made by December 1, 2003, and by December 1st of each subsequent year.

**Sec. 5.** RCW 90.82.130 and 2001 c 237 s 4 are each amended to read as follows:

(1)(a) Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit.

(b) If the proposal is approved by the planning unit, the unit shall submit the proposal to the counties with territory within the management area. If the planning unit has received funding beyond the initial organizing grant under RCW 90.82.040, such a proposal approved by the planning unit shall be submitted to the counties within four years of the date that funds beyond the initial funding are first drawn upon by the planning unit.

(c) If the watershed plan is not approved by the planning unit, the planning unit may submit the components of the plan for which agreement is achieved using the procedure under (a) of this subsection, or the planning unit may terminate the planning process.

(2)(a) With the exception of a county legislative authority that chooses to opt out of watershed planning as provided in (c) of this subsection, the legislative authority of each of the counties with territory in the management area shall provide public notice of and conduct at least one public hearing on the proposed watershed plan submitted under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the proposal. The counties may approve or reject the proposed watershed plan for the management area, but may not amend it. Approval of such a proposal shall be made by a majority vote of the members of each of the counties with territory in the management area.

(b) If a proposed watershed plan is not approved, it shall be returned to the planning unit with recommendations for revisions. Approval of such a revised proposal by the planning unit and the counties shall be made in the same manner provided for the original watershed plan. If approval of the revised plan is not achieved, the process shall terminate.

(c) A county legislative authority may choose to opt out of watershed planning under this chapter and the public hearing processes under (a) and (b) of this subsection if the county's affected territory within a particular management area is: (i) Less than five percent of the total territory within the management area; or (ii) five percent or more of the total territory within the management area and all other initiating governments within the management area consent. A county meeting these conditions and choosing to opt out shall notify the department and the other initiating governments of that choice prior to commencement of plan adoption under the provisions of (a) of this subsection. A county choosing to opt out under the provisions of this section shall not be bound by

obligations contained in the watershed plan adopted for that management area under this chapter. Even if a county chooses to opt out under the provisions of this section, the other counties within a management area may adopt a proposed watershed plan as provided in this chapter.

(3) The planning unit shall not add an element to its watershed plan that creates an obligation unless each of the governments to be obligated has at least one representative on the planning unit and the respective members appointed to represent those governments agree to adding the element that creates the obligation. A member's agreeing to add an element shall be evidenced by a recorded vote of all members of the planning unit in which the members record support for adding the element. If the watershed plan is approved under subsections (1) and (2) of this section and the plan creates obligations: (a) For agencies of state government, the agencies shall adopt by rule the obligations of both state and county governments and rules implementing the state obligations, or, with the consent of the planning unit, may adopt policies, procedures, or agreements related to the obligations or implementation of the obligations in addition to or in lieu of rules. The obligations on state agencies are binding upon adoption of the obligations (~~into rule~~), and the agencies shall take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; (~~or~~) (b) for counties, the obligations are binding on the counties and the counties shall adopt any necessary implementing ordinances and take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; or (c) for an organization voluntarily accepting an obligation, the organization must adopt policies, procedures, agreements, rules, or ordinances to implement the plan, and should annually review implementation needs with respect to budget and staffing.

(4) After a plan is adopted in accordance with subsection (3) of this section, and if the department participated in the planning process, the plan shall be deemed to satisfy the watershed planning authority of the department with respect to the components included under the provisions of RCW 90.82.070 through 90.82.100 for the watershed or watersheds included in the plan. The department shall use the plan as the framework for making future water resource decisions for the planned watershed or watersheds. Additionally, the department shall rely upon the plan as a primary consideration in determining the public interest related to such decisions.

(5) Once a WRIA plan has been approved under subsection (2) of this section for a watershed, the department may develop and adopt modifications to the plan or obligations imposed by the plan only through a form of negotiated rule making that uses the same processes that applied in that watershed for developing the plan.

(6) As used in this section, "obligation" means any action required as a result of this chapter that imposes upon a tribal government, county government, or state government, either: A fiscal impact; a redeployment of resources; or a change of existing policy."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 90.82.040, 90.82.080, and 90.82.130; adding a new section to chapter 90.82 RCW; and creating a new section."

Representatives Linville and Chandler spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Rockefeller, Chandler and Clibborn spoke in favor of passage of the bill.

Representatives Hinkle, McCoy and Schoesler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Second Substitute House Bill No. 1336.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1336 and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold,

Gombosky, Grant, Haigh, Hankins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Sehlin, Shabro, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Blake, Buck, Bush, Chase, Condotta, Cox, Dickerson, Hatfield, Hinkle, Holmquist, Hudgins, Kenney, Kristiansen, McCoy, Mielke, Morrell, Orcutt, Pearson, Schoesler, Schual-Berke, Simpson, Sump and Veloria - 24.

Excused: Representative Roach - 1.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336.

DAN ROACH, 31<sup>st</sup> District

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

### THIRD READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, By House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway; by request of Governor Locke)**

**Providing additional certainty for municipal water rights.**

There being no objection, the rules were suspended and ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338 was returned to Second Reading for purpose of amendment.

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

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, By House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway; by request of Governor Locke)**

**Providing additional certainty for municipal water rights.**

Representative Linville moved the adoption of the following amendment (578):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read as follows:

((As used in this chapter:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology((;)).

(2) "Director" means the director of ecology((; and)).

(3) "Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

(4) "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for

governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes. If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

(5) "Person" means any firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows:  
Beneficial uses of water under a municipal water supply purposes water right may include water withdrawn or diverted under such a right and used for:

- (1) Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values; or
- (2) Uses that are needed to implement environmental obligations called for by a watershed plan approved under chapter 90.82 RCW, or a comprehensive watershed plan adopted under RCW 90.54.040(1) after the effective date of this section, a federally approved habitat conservation plan prepared in response to the listing of a species as being endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a comprehensive irrigation district management plan.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.03 RCW to read as follows:

When requested by a municipal water supplier or when processing a change or amendment to the right, the department shall amend the water right documents and related records to ensure that water rights that are for municipal water supply purposes, as defined in RCW 90.03.015, are correctly identified as being for municipal water supply purposes. This section authorizes a water right or portion of a water right held or acquired by a municipal water supplier that is for municipal water supply purposes as defined in RCW 90.03.015 to be identified as being a water right for municipal water supply purposes. However, it does not authorize any other water right or other portion of a right held or acquired by a municipal water supplier to be so identified without the approval of a change or transfer of the right or portion of the right for such a purpose.

**Sec. 4.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to read as follows:

(1) Each application for permit to appropriate water shall set forth the name and post office address of the applicant, the source of water supply, the nature and amount of the proposed use, the time during which water will be required each year, the location and description of the proposed ditch, canal, or other work, the time within which the completion of the construction and the time for the complete application of the water to the proposed use.

(2) If for agricultural purposes, ((#)) the application shall give the legal subdivision of the land and the acreage to be irrigated, as near as may be, and the amount of water expressed in acre feet to be supplied per season. If for power purposes, it shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied.

(3) If for construction of a reservoir, ((#)) the application shall give the height of the dam, the capacity of the reservoir, and the uses to be made of the impounded waters.

(4) If for community or multiple domestic water supply, the application shall give the projected number of service connections sought to be served. However, for a municipal water supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the service connection figure in the application or any subsequent water right document is not an attribute limiting exercise of the water right as long as the number of service connections to be served under the right is consistent with the approved water system plan or specified number.

(5) If for municipal water supply, ((#)) the application shall give the present population to be served, and, as near as may be estimated, the future requirement of the municipality. However, for a municipal water supplier that has an approved water system plan under chapter 43.20 RCW or an approval from the department of health to serve a specified number of service connections, the population figures in the application or any subsequent water right document are not an attribute limiting exercise of the water right as long as the population to be provided water under the right is consistent with the approved water system plan or specified number.

(6) If for mining purposes, ((#)) the application shall give the nature of the mines to be served and the method of supplying and utilizing the water; also their location by legal subdivisions.



(7) All applications shall be accompanied by such maps and drawings, in duplicate, and such other data, as may be required by the department, and such accompanying data shall be considered as a part of the application.

**Sec. 5.** RCW 90.03.386 and 1991 c 350 s 2 are each amended to read as follows:

(1) Within service areas established pursuant to chapter ~~(§)~~ 43.20 ~~((and))~~ or 70.116 RCW, the department of ecology and the department of health shall coordinate approval procedures to ensure compliance and consistency with the approved water system plan or small water system management program.

(2) The effect of the department of health's approval of a planning or engineering document that describes a municipal water supplier's service area under chapter 43.20 RCW, or the local legislative authority's approval of service area boundaries in accordance with procedures adopted pursuant to chapter 70.116 RCW, is that the place of use of a surface water right or ground water right used by the supplier includes any portion of the approved service area that was not previously within the place of use for the water right if the supplier is in compliance with the terms of the water system plan or small water system management program, including those regarding water conservation, and the alteration of the place of use is not inconsistent, regarding an area added to the place of use, with: Any comprehensive plans or development regulations adopted under chapter 36.70A RCW; any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county; or any watershed plan approved under chapter 90.82 RCW, or a comprehensive watershed plan adopted under RCW 90.54.040(1) after the effective date of this section, if such a watershed plan has been approved for the area.

(3) A municipal water supplier must implement cost-effective water conservation in accordance with the requirements of section 7 of this act as part of its approved water system plan or small water system management program. In preparing its regular water system plan update, a municipal water supplier with one thousand or more service connections must describe: (a) The projects, technologies, and other cost-effective measures that comprise its water conservation program; (b) improvements in the efficiency of water system use resulting from implementation of its conservation program over the previous six years; and (c) projected effects of delaying the use of existing inchoate rights over the next six years through the addition of further cost-effective water conservation measures before it may divert or withdraw further amounts of its inchoate right for beneficial use. When establishing or extending a surface or ground water right construction schedule under RCW 90.03.320, the department must take into consideration the public water system's use of conserved water.

**Sec. 6.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows:

(1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by ~~((him))~~ the director, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be transmitted by the department ~~((transmitted))~~ to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

(2) Except as provided for the issuance of certificates under RCW 90.03.240 and for the issuance of certificates following the approval of a change, transfer, or amendment under RCW 90.03.380 or 90.44.100, the department shall not revoke or diminish a certificate for a surface or ground water right for municipal water supply purposes as defined in RCW 90.03.015 unless the certificate was issued with ministerial errors or was obtained through misrepresentation. The department may adjust such a certificate under this subsection if ministerial errors are discovered, but only to the extent necessary to correct the ministerial errors. The department may diminish the right represented by such a certificate if the certificate was obtained through a misrepresentation on the part of the applicant or permit holder, but only to the extent of the misrepresentation. The authority provided by this subsection does not include revoking, diminishing, or adjusting a certificate based on any change in policy regarding the issuance of such certificates that has occurred since the certificate was issued. This subsection may not be construed as providing any authority to the department to revoke, diminish, or adjust any other water right.

(3) This subsection applies to the water right represented by a water right certificate issued prior to the effective date of this section for municipal water supply purposes as defined in RCW 90.03.015 where the certificate was issued based on an administrative policy for issuing such certificates once works for diverting or withdrawing and distributing water for municipal supply purposes were constructed rather than after the water had been placed to actual beneficial use. Such a water right is a right in good standing.

(4) After the effective date of this section, the department must issue a new certificate under subsection (1) of this section for a water right represented by a water right permit only for the perfected portion of a water right as demonstrated through actual beneficial use of water.

**NEW SECTION. Sec. 7.** A new section is added to chapter 70.119A RCW to read as follows:

(1) It is the intent of the legislature that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

(2) The requirements of this section shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

(3) For the purposes of this section:

(a) Water use efficiency includes conservation planning requirements, water distribution system leakage standards, and water conservation performance reporting requirements; and

(b) "Municipal water supplier" and "municipal water supply purposes" have the meanings provided by RCW 90.03.015.

(4) To accomplish the purposes of this section, the department shall adopt rules necessary to implement this section by December 31, 2005. The department shall:

(a) Develop conservation planning requirements that ensure municipal water suppliers are: (i) Implementing programs to integrate conservation with water system operation and management; and (ii) identifying how to appropriately fund and implement conservation activities. Requirements shall apply to the conservation element of water system plans and small water system management programs developed pursuant to chapter 43.20 RCW. In establishing the conservation planning requirements the department shall review the current department conservation planning guidelines and include those elements that are appropriate for rule. Conservation planning requirements shall include but not be limited to:

(A) Selection of cost-effective measures to achieve a system's water conservation objectives. Requirements shall allow the municipal water supplier to select and schedule implementation of the best methods for achieving its conservation objectives;

(B) Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation;

(C) Evaluation of each system's water distribution system leakage and, if necessary, identification of steps necessary for achieving water distribution system leakage standards developed under (b) of this subsection;

(D) Collection and reporting of water consumption and source production and/or water purchase data. Data collection and reporting requirements shall be sufficient to identify water use patterns among utility customer classes, where applicable, and evaluate the effectiveness of each system's conservation program. Requirements, including reporting frequency, shall be appropriate to system size and complexity. Reports shall be available to the public; and

(E) Establishment of minimum requirements for water demand forecast methodologies such that demand forecasts prepared by municipal water suppliers are sufficient for use in determining reasonably anticipated future water needs;

(b) Develop water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water distribution systems in a condition that results in leakage rates in compliance with the standards. Limits shall be developed in terms of percentage of total water produced and/or purchased and shall not be lower than ten percent. The department may consider alternatives to the percentage of total water supplied where alternatives provide a better evaluation of the water system's leakage performance. The department shall institute a graduated system of requirements based on levels of water system leakage. A municipal water supplier shall select one or more control methods appropriate for addressing leakage in its water system;

(c) Establish minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance. The objective of setting conservation goals is to enhance the efficient use of water by the water system customers. Performance reporting shall include:

(i) Requirements that municipal water suppliers adopt and achieve water conservation goals. The elected governing board or governing body of the water system shall set water conservation goals for the system. In setting water conservation goals the water supplier may consider historic conservation performance and conservation investment, customer base demographics, regional climate variations, forecasted demand and system supply characteristics, system financial viability, system reliability, and affordability of water rates. Conservation goals shall be established by the municipal water supplier in an open public forum;

(ii) Requirements that the municipal water supplier adopt schedules for implementing conservation program elements and achieving conservation goals to ensure that progress is being made toward adopted conservation goals;

(iii) A reporting system for regular reviews of conservation performance against adopted goals. Performance reports shall be available to customers and the public. Requirements, including reporting frequency, shall be appropriate to system size and complexity;

(iv) Requirements that any system not meeting its water conservation goals shall develop a plan for modifying its conservation program to achieve its goals along with procedures for reporting performance to the department;

(v) If a municipal water supplier determines that further reductions in consumption are not reasonably achievable, it shall identify how current consumption levels will be maintained;

(d) Adopt rules that, to the maximum extent practical, utilize existing mechanisms and simplified procedures in order to minimize the cost and complexity of implementation and to avoid placing unreasonable financial burden on smaller municipal systems.

(5) The department shall establish an advisory committee to assist the department in developing rules for water use efficiency. The advisory committee shall include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross-section of municipal water suppliers, a water utility conservation professional, tribal governments, the department of ecology, and any other members determined necessary by the department. The department may use the water supply advisory committee created pursuant to RCW 70.119A.160 augmented with additional participants as necessary to comply with this subsection to assist the department in developing rules.

(6) The department shall provide technical assistance upon request to municipal water suppliers and local governments regarding water conservation, which may include development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

(7) To ensure compliance with this section, the department shall establish a compliance process that incorporates a graduated approach employing the full range of compliance mechanisms available to the department.

(8) Prior to completion of rule making required in subsection (4) of this section, municipal water suppliers shall continue to meet the existing conservation requirements of the department and shall continue to implement their current water conservation programs.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.20 RCW to read as follows:

In approving the water system plan of a public water system, the department shall ensure that water service to be provided by the system under the plan for any new industrial, commercial, or residential use is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area. A municipal water supplier, as defined in RCW 90.03.015, has a duty to provide retail water service within its retail service area if: (1) Its service can be available in a timely and reasonable manner; (2) the municipal water supplier has sufficient water rights to provide the service; (3) the municipal water supplier has sufficient capacity to serve the water in a safe and reliable manner as determined by the department of health; and (4) it is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town.

**NEW SECTION. Sec. 9.** A new section is added to chapter 90.82 RCW to read as follows:

(1) The timelines and interim milestones in a detailed implementation plan required by section 3, chapter . . . (Engrossed Second Substitute House Bill No. 1336), Laws of 2003 must address the planned future use of existing water rights for municipal water supply purposes, as defined in RCW 90.03.015, that are inchoate, including how these rights will be used to meet the projected future needs identified in the watershed plan, and how the use of these rights will be addressed when implementing instream flow strategies identified in the watershed plan.

(2) The watershed planning unit or other authorized lead agency shall ensure that holders of water rights for municipal water supply purposes not currently in use are asked to participate in defining the timelines and interim milestones to be included in the detailed implementation plan.

(3) The department of health shall annually compile a list of water system plans and plan updates to be reviewed by the department during the coming year and shall consult with the departments of community, trade, and economic development, ecology, and fish and wildlife to: (a) Identify watersheds where further coordination is needed between water system planning and local watershed planning under this chapter; and (b) develop a work plan for conducting the necessary coordination.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.54 RCW to read as follows:

The department shall prioritize the expenditure of funds and other resources for programs related to streamflow restoration in watersheds where the exercise of inchoate water rights may have a larger effect on streamflows and other water uses.

**Sec. 11.** RCW 90.48.495 and 1989 c 348 s 10 are each amended to read as follows:

The department of ecology shall require sewer plans to include a discussion of water conservation measures considered or underway that would reduce flows to the sewerage system and an analysis of their anticipated impact on public sewer service and treatment capacity.

**Sec. 12.** RCW 90.48.112 and 1997 c 444 s 9 are each amended to read as follows:

The evaluation of any plans submitted under RCW 90.48.110 must include consideration of opportunities for the use of reclaimed water as defined in RCW 90.46.010. Wastewater plans submitted under RCW 90.48.110 must include a statement describing how applicable reclamation and reuse elements will be coordinated as required under RCW 90.46.120(2).

**Sec. 13.** RCW 90.46.120 and 1997 c 444 s 1 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use and distribution of the reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of the regional water supply plan or plans addressing potable water supply service by multiple water purveyors. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water supply plan or coordinated water system plan developed under chapter 43.20 or 70.116 RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

**NEW SECTION. Sec. 14.** A new section is added to chapter 90.03 RCW to read as follows:

(1) An unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may be changed or transferred in the same manner as provided by RCW 90.03.380 for any purpose if:

(a) The supplier is in compliance with the terms of an approved water system plan or small water system management program under chapter 43.20 or 70.116 RCW that applies to the supplier, including those regarding water conservation;

(b) Instream flows have been established by rule for the water resource inventory area, as established in chapter 173-500 WAC as it exists on the effective date of this section, that is the source of the water for the transfer or change;

(c) A watershed plan has been approved for the water resource inventory area referred to in (b) of this subsection under chapter 90.82 RCW and a detailed implementation plan has been completed that satisfies the requirements of section 3, chapter . . ., Laws of 2003 (section 3, Engrossed Second Substitute House Bill No. 1336) or a watershed plan has been adopted after the effective date of this section for that water resource inventory area under RCW 90.54.040(1) and a detailed implementation plan has been completed that satisfies the requirements of section 3, chapter . . ., Laws of 2003 (section 3, Engrossed Second Substitute House Bill No. 1336); and

(d) Stream flows that satisfy the instream flows referred to in (b) of this subsection are met or the milestones for satisfying those instream flows required under (c) of this subsection are being met.

(2) If the criteria listed in subsection (1)(a) through (d) of this section are not satisfied, an unperfected surface water right for municipal water supply purposes or a portion thereof held by a municipal water supplier may nonetheless be changed or transferred in the same manner as provided by RCW 90.03.380 if the change or transfer is:

(a) To provide water for an instream flow requirement that has been established by the department by rule;

(b) Subject to stream flow protection or restoration requirements contained in: A federally approved habitat conservation plan under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a hydropower license of the federal energy regulatory commission, or a watershed agreement established under section 16 of this act;

(c) For a water right that is subject to instream flow requirements or agreements with the department and the change or transfer is also subject to those instream flow requirements or agreements; or

(d) For resolving or alleviating a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users, as such a system is described in section 15 of this act, and if the change, transfer, or amendment is for correcting the actual or anticipated cause or causes of the public water system failure. Inadequate water rights for a public water system to serve existing hookups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency.

(3) If the recipient of water under a change or transfer authorized by subsection (1) of this section is a water supply system, the receiving system must also be in compliance with the terms of an approved water system plan or small water system management program under chapter 43.20 or 70.116 RCW that applies to the system, including those regarding water conservation.

(4) The department must provide notice to affected tribes of any transfer or change proposed under this section.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.03 RCW to read as follows:

To be considered a failing public water system for the purposes of section 14 of this act, the department of health, in consultation with the department and the local health authority, must make a determination that the system meets one or more of the following conditions:

(1) A public water system has failed, or is in danger of failing within two years, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking, and sanitation needs or to provide adequate fire protection flows;

(2) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water rights to meet existing needs for drinking, cooking, and sanitation purposes after all reasonable conservation efforts have been implemented; or

(3) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.03 RCW to read as follows:

(1) On a pilot project basis, the department may enter into a watershed agreement with one or more municipal water suppliers in water resource inventory area number one to meet the objectives established in a water resource management program approved or being developed under chapter 90.82 RCW with the consent of the initiating governments of the water resource inventory area. The term of an agreement may not exceed ten years, but the agreement may be renewed or amended upon agreement of the parties.

(2) A watershed agreement must be consistent with:

(a) Growth management plans developed under chapter 36.70A RCW where these plans are adopted and in effect;

(b) Water supply plans and small water system management programs approved under chapter 43.20 or 70.116 RCW;

(c) Coordinated water supply plans approved under chapter 70.116 RCW; and

(d) Water use efficiency and conservation requirements and standards established by the state department of health or such requirements and standards as are provided in an approved watershed plan, whichever are the more stringent.

(3) A watershed agreement must:

(a) Require the public water system operated by the participating municipal water supplier to meet obligations under the watershed plan;

(b) Establish performance measures and timelines for measures to be completed;

(c) Provide for monitoring of stream flows and metering of water use as needed to ensure that the terms of the agreement are met; and

(d) Require annual reports from the water users regarding performance under the agreement.

(4) As needed to implement watershed agreement activities, the department may provide or receive funding, or both, under its existing authorities.

(5) The department must provide opportunity for public review of a proposed agreement before it is executed. The department must make proposed and executed watershed agreements and annual reports available on the department's internet web site.

(6) The department must consult with affected local governments and the state departments of health and fish and wildlife before executing an agreement.

(7) Before executing a watershed agreement, the department must conduct a government-to-government consultation with affected tribal governments. The municipal water suppliers operating the public water systems that are proposing to enter into the agreements must be invited to participate in the consultations. During these consultations, the department and the municipal water suppliers shall explore the potential interest of the tribal governments or governments in participating in the agreement.

(8) Any person aggrieved by the department's failure to satisfy the requirements in subsection (3) of this section as embodied in the department's decision to enter into a watershed agreement under this section may, within thirty days of the execution of such an agreement, appeal the department's decision to the pollution control hearings board under chapter 43.21B RCW.

(9) Any projects implemented by a municipal water system under the terms of an agreement reached under this section may be continued and maintained by the municipal water system after the agreement expires or is terminated as long as the conditions of the agreement under which they were implemented continue to be met.

(10) Before December 31, 2003, and December 31, 2004, the department must report to the appropriate committees of the legislature the results of the pilot project provided for in this section. Based on the experience of the pilot project, the department must offer any suggested changes in law that would improve, facilitate, and maximize the implementation of watershed plans adopted under this chapter.

NEW SECTION. **Sec. 17.** A new section is added to chapter 90.03 RCW to read as follows:

The department may not enter into new watershed agreements under section 16 of this act after July 1, 2008. This section does not apply to the renewal of agreements in effect prior to that date.

**Sec. 18.** RCW 70.119A.110 and 1991 c 304 s 5 are each amended to read as follows:

(1) No person may operate a group A public water system unless the person first submits an application to the department and receives an operating permit as provided in this section. A new application must be submitted upon any change in ownership of the system. Any person operating a public water system on July 28, 1991, may continue to operate the system until the department takes final action, including any time necessary for a hearing under subsection (3) of this section, on a permit application submitted by the person operating the system under the rules adopted by the department to implement this section.

(2) The department may require that each application include the information that is reasonable and necessary to determine that the system complies with applicable standards and requirements of the federal safe drinking water act, state law, and rules adopted by the department or by the state board of health.

(3) Following its review of the application, its supporting material, and any information received by the department in its investigation of the application, the department shall issue or deny the operating permit. The department shall act on initial permit applications as expeditiously as possible, and shall in all cases either grant or deny the application within one hundred twenty days of receipt of the application or of any supplemental information required to complete the application. The applicant for a permit shall be entitled to file an appeal in accordance with chapter 34.05 RCW if the department denies the initial or subsequent applications or imposes conditions or requirements upon the operator. Any operator of a public water system that requests a hearing may continue to operate the system until a decision is issued after the hearing.

(4) At the time of initial permit application or at the time of permit renewal the department may impose such permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will provide a safe and reliable water supply to its users.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each application shall be accompanied by an annual fee as follows:

(a) The annual fee for public water supply systems serving fifteen to forty-nine service connections shall be twenty-five dollars.

(b) The annual fee for public water supply systems serving fifty to three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection.

(c) The annual fee for public water supply systems serving three thousand three hundred thirty-four to fifty-three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection plus ten cents for each service connection in excess of three thousand three hundred thirty-three service connections.

(d) The annual fee for public water supply systems serving fifty-three thousand three hundred thirty-four or more service connections shall be ten thousand dollars.

(e) In addition to the fees under (a) through (d) of this subsection, the department may charge an additional one-time fee of five dollars for each service connection in a new water system.

(f) Until June 30, 2007, in addition to the fees under (a) through (e) of this subsection, the department may charge municipal water suppliers, as defined in RCW 90.03.015, an additional annual fee equivalent to twenty-five cents for each residential service connection for the purpose of funding the water conservation activities in section 7 of this act.

(7) The department may phase-in the implementation for any group of systems provided the schedule for implementation is established by rule. Prior to implementing the operating permit requirement on water systems having less than five hundred service connections, the department shall form a committee composed of persons operating these systems. The committee shall be composed of the department of health, two operators of water systems having under one hundred connections, two operators of water systems having between one hundred and two hundred service connections, two operators of water systems having between two hundred and three hundred service connections, two operators of water systems having between three hundred and four hundred service connections, two operators of water systems having between four hundred and five hundred service connections, and two county public health officials. The members shall be chosen from different geographic regions of the state. This committee shall develop draft rules to implement this section. The draft rules will then be subject to the rule-making procedures in accordance with chapter 34.05 RCW.

(8) The department shall notify existing public water systems of the requirements of RCW 70.119A.030, 70.119A.060, and this section at least one hundred twenty days prior to the date that an application for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this section.

(9) The department shall issue one operating permit to any approved satellite system management agency. Operating permit fees for approved satellite system management agencies shall be one dollar per connection per year for the total number of connections under the management of the approved satellite agency. The department shall define by rule the meaning of the term "satellite system management agency." If a statutory

definition of this term exists, then the department shall adopt by rule a definition consistent with the statutory definition.

(10) For purposes of this section, "group A public water system" and "system" mean those water systems with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "water;" strike the remainder of the title and insert "amending RCW 90.03.015, 90.03.260, 90.03.386, 90.03.330, 90.48.495, 90.48.112, 90.46.120, and 70.119A.110; adding new sections to chapter 90.03 RCW; adding a new section to chapter 70.119A RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 90.82 RCW; and adding a new section to chapter 90.54 RCW."

Representatives Linville and Chandler spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Schoesler, Morris and Linville spoke in favor of passage of the bill.

Representative McCoy spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Second Substitute House Bill No. 1338.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1338 and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Woods and Mr. Speaker - 83.

Voting nay: Representatives Chase, Cooper, Dickerson, Hudgins, Hunt, McCoy, Morrell, Murray, Romero, Schual-Berke, Simpson, Upthegrove, Wallace and Wood - 14.

Excused: Representative Roach - 1.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338.

DAN ROACH, 31<sup>st</sup> District

**SIGNED BY THE SPEAKER**

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2192,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257,

**MESSAGES FROM THE SENATE**

June 5, 2003

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6088, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1693,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,  
ENGROSSED HOUSE BILL NO. 2254,  
HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The President has signed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2192,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003



Mr. Speaker:

The Senate declares that SUBSTITUTE SENATE BILL NO. 5401 is in dispute and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Zarelli, Honeyford and Poulsen.

There being no objection, the House granted the Senate's request for a conference on SUBSTITUTE SENATE BILL NO. 5401. The Speaker appointed Representatives Dunshee, Hunt and Alexander as conferees.

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

### **INTRODUCTION & FIRST READING**

ESB 5463 by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State

AN ACT Relating to a pilot project for military and overseas voters to vote over the Internet; creating a new section; and providing an expiration date.

SB 6088 by Senators Deccio, Thibaudeau, Winsley, Swecker and Franklin

AN ACT Relating to making prescription drugs more affordable to seniors, the disabled, and state health care programs; amending RCW 69.41.150 and 70.14.050; adding new sections to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 69.41 RCW; adding new sections to chapter 43.131 RCW; creating new sections; prescribing penalties; and declaring an emergency.

There being no objection, ENGROSSED SENATE BILL NO. 5463 was read the first time in full and was placed on the Second Reading calendar.

There being no objection, SENATE BILL NO. 6088 was read the first time in full and was placed on the Second Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 and the bill was placed on the Third Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of SUBSTITUTE HOUSE BILL NO. 1013 and the bill was placed on the Third Reading calendar.

There being no objection, the rules were suspended, the Committee on Appropriations was relieved of HOUSE BILL NO. 1989, and the bill was placed on the Second Reading calendar.

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

### **SECOND READING**

**ENGROSSED SENATE BILL NO. 5463, By Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State**

**Authorizing a pilot project for military and overseas voters to vote over the Internet.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Armstrong, Hunt, Bailey, Wallace, Orcutt, Benson, Flannigan and Ahern spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5463.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5463 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Chase, Crouse, Linville, McMahan, Morris, Quall, Schindler and Veloria - 8.

Excused: Representative Roach - 1.

ENGROSSED SENATE BILL NO. 5463, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SENATE BILL NO. 5463.

DAN ROACH, 31<sup>st</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on ENGROSSED SENATE BILL NO. 5463.

VELMA VELORIA, 11<sup>th</sup> District

**SENATE BILL NO. 6088, By Senators Deccio, Thibaudeau, Winsley, Swecker and Franklin**

**Making prescription drugs more affordable to certain groups.**

The bill was read the second time.

Representative Clements moved the adoption of amendment (584):

On page 4, line 28, after "notify" insert "the patient immediately and"

Representatives Clements, Mielke, Sump and Campbell spoke in favor of the adoption of the amendment.

Representatives Cody and Schual-Berke spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (584) to Senate Bill No. 6088.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (584) to Senate Bill No. 6088, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Schindler, Schoesler, Sehl, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Excused: Representative Roach - 1.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on amendment (584) to SENATE BILL NO. 6088.

DAN ROACH, 31<sup>st</sup> District

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Pflug, Eickmeyer and Schual-Berke spoke in favor of passage of the bill.

Representatives Mastin and Clements spoke against the passage of the bill.

### **COLLOQUY**

Representative Pflug: "Does the term "state purchased health care programs" as used in Senate Bill No. 6088 cover services purchased through health carriers, or school districts who do not purchase coverage through the Health Care Authority?"

Representative Cody: "No, the term does not cover any of these."

Representative Pflug: "In implementing Senate Bill No. 6088, will drug companies be required to provide the same supplemental rebates negotiated with Medicaid to other state purchased health care programs?"

Representative Cody: "No, they will not."

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6088.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6088 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Holmquist and Mastin - 2.

Excused: Representative Roach - 1.

SENATE BILL NO. 6088, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SENATE BILL NO. 6088.

DAN ROACH, 31<sup>st</sup> District

**HOUSE BILL NO. 1989, By Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke**

#### **Changing the learning assistance program.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1989 was substituted for House Bill No. 1989 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1989 was read the second time.

Representative McDermott moved the adoption of amendment (582):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. PURPOSE.** The learning assistance program requirements in this chapter are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

**NEW SECTION. Sec. 2. DEFINITIONS.** Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

**NEW SECTION. Sec. 3. PROGRAM PLAN.** By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2003-04 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2004-05 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

- (1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;
- (2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;
- (3) How accelerated learning plans are developed and implemented for participating students, including:
  - (a) Achievement goals for the students;
  - (b) Roles of the student, parents, or guardians and teachers in the plan;
  - (c) Communication procedures regarding student accomplishment; and
  - (d) Plan reviews and adjustments processes;
- (4) How state level and classroom assessments are used to inform instruction;
- (5) How focused and intentional instructional strategies have been identified and implemented;
- (6) How highly qualified instructional staff are developed and supported in the program and in participating schools;
- (7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and
- (8) How a program evaluation will be conducted to determine direction for the following school year.

**NEW SECTION. Sec. 4. PROGRAM ACTIVITIES.** Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

- (1) Extended learning time opportunities occurring:
  - (a) Before or after the regular school day;
  - (b) On Saturday; and
  - (c) Beyond the regular school year;
- (2) Professional development for certificated and classified staff that focuses on:
  - (a) The needs of a diverse student population;
  - (b) Specific literacy and mathematics content and instructional strategies; and
  - (c) The use of student work to guide effective instruction;
- (3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;
- (4) Tutoring support for participating students; and
- (5) Outreach activities and support for parents of participating students.

**NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS.** A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

**NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION.** Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. Beginning with the 2005-06 school year, the distribution formula shall be based on a poverty factor.

**NEW SECTION. Sec. 7. MONITORING.** To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:  
(1) RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;  
(2) RCW 28A.165.012 (Program created) and 1987 c 478 s 2;  
(3) RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;  
(4) RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;  
(5) RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;  
(6) RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;  
(7) RCW 28A.165.070 (Eligibility for funds--Distribution of funds--Development of allocation formula) and 1995 1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;  
(8) RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and  
(9) RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."

Correct the title.

Representatives McDermott and McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1989.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1989 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Roach - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989.

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

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)**

**Regarding state assessment standards.**

There being no objection, the rules were suspended, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 was returned to Second Reading for purpose of amendment.

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

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)**

**Regarding state assessment standards.**

Representative Quall moved the adoption of the following amendment (581):

Strike everything after the enacting clause and insert the following:

#### **"PART 1 CERTIFICATE OF ACADEMIC ACHIEVEMENT**

**NEW SECTION. Sec. 101.** A new section is added to chapter 28A.655 RCW to read as follows:  
**CERTIFICATE REQUIREMENTS.** (1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and one or more alternative means for a student to demonstrate achievement of state academic standards. The alternative means for each content area shall be comparable in rigor to the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, beginning with the graduating class of 2008, successful completion of the reading, writing, and mathematics content areas of the high school Washington assessment of student learning, or of an approved alternative means in those content areas as provided in subsection (10) of this section, shall lead to a certificate of academic achievement. The certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. The certificate of academic achievement is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2010, successful completion of the reading, writing, mathematics, and science content areas of the high school Washington assessment of student learning, or of an approved alternative means in those content areas, is required for graduation from a public high school in the state of Washington and shall lead to a certificate of academic achievement.

(4) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW or for students enrolled in private schools under chapter 28A.195 RCW.

(5) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(6) Beginning with the graduating class of 2008, the highest level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four.

(7) Beginning with the graduating class of 2008, if a student takes the high school assessment but is not successful in one or more content areas required for the certificate of academic achievement, the student may retake the assessment in that content area one or more times at no cost to the student and may choose one or more of the following options:

(a) To retake the assessment in that content area at least once in the spring and once in the fall or winter if the student is enrolled in a public school;

(b) To retake the assessment in that content area if the student is enrolled in a high school completion program. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed; or

(c) To use an alternative means developed and approved by the superintendent of public instruction to demonstrate achievement of the standards for that content area if the student has retaken the assessment in that content area at least once.

(8) Students who achieve the standard in a content area of the high school assessment of student learning but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot both opportunities for retaking the high school assessment and alternative means beginning in the 2005-06 school year. Beginning no later than September 2006, opportunities to retake the assessment at least once in the fall or winter and once in the spring shall be available in each school district.

(10) Beginning no later than spring 2007, subject to formal legislative approval of the alternative means, alternative means shall be in place in each school district to demonstrate achievement of the state standards in a content area in which the student was unsuccessful on the Washington assessment of student learning. Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any alternative means, including any appeals process, before its implementation as part of the high school assessment system.

(11) Beginning no later than September 1, 2006, each school district shall prepare a plan for each eighth grade through twelfth grade student who was not successful in one or more content areas of the Washington assessment of student learning. The plan shall include, but need not be limited to, the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. Progress on the plan shall be reported to the student and the student's parents or guardian. In addition, through a parent conference, schools must notify the parent or guardian of each eighth grade student about the student's results on the assessment of student learning, identify actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide the parents or guardian with strategies to help them improve their student's skills in that content area.

**NEW SECTION. Sec. 102. CERTIFICATE REPORTS REQUIRED ON THE APPROPRIATE APPLICATION OF THE CERTIFICATE REQUIREMENT TO SPECIAL EDUCATION AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY, THE CUT SCORES REQUIRED TO ACHIEVE THE CERTIFICATE, ALTERNATIVE MEANS, AND ISSUES RELATED TO VALIDITY AND RELIABILITY.**

(1) By November 30, 2003, subject to available funding, the office of the superintendent of public instruction shall report recommendations to the governor, the state board of education, and the house of representatives and senate education committees on the appropriate application of the certificate of academic achievement to special education students and limited English proficiency students and recommendations on the best practices that may be used with students who need additional assistance to meet the certificate requirements. In the superintendent's deliberations, the superintendent shall consult with practicing teachers and principals, practicing special education practitioners including educational staff associates, parents, education organizations, and other interested parties.

(2) Before the results of the 2004 high school assessment of student learning are reported to school districts, the academic achievement and accountability commission shall review and adjust, if necessary, the performance standards needed to meet the high school standards and obtain a certificate of academic achievement as provided in section 101 of this act. The commission shall include in its review consideration of the use of the standard error of measurement into the decision regarding the award of the certificate of academic achievement. To assist in its deliberations, the commission shall seek advice from a committee that includes parents, practicing classroom teachers and principals, administrators, staff, and other interested parties.

(3) The office of the superintendent of public instruction shall develop alternative means for students to demonstrate achievement of the state academic standards. The alternative means shall be comparable in rigor to the Washington assessment of student learning and shall include procedures and criteria to help determine whether students who were not successful in one or more of the content areas of the high school assessment can demonstrate that they meet state standards through another objectively evaluated means. In its deliberations, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(a) By July 1, 2004, the office of the superintendent of public instruction shall report its recommendations for alternative means, including possible options and a possible appeals process, to the governor, the state board of education, and the house of representatives and senate education committees.

(b) By July 1, 2005, subject to available funding, alternative means shall be available for pilot testing by school districts.



(c) By December 1, 2006, the superintendent shall report to the governor, the state board of education, and the house of representatives and senate education committees on information obtained through the pilots of the alternative means. The report shall include an analysis of the comparative rigor of the alternative means to the Washington assessment of student learning for that content area.

(d) Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any alternative means, including any appeals process, before its implementation as a part of the high school assessment system.

(4) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions.

**Sec. 103.** RCW 28A.230.090 and 1997 c 222 s 2 are each amended to read as follows:

**CERTIFICATE OF ACADEMIC ACHIEVEMENT - STATE BOARD OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING LOCAL DETERMINATION OF INDIVIDUAL STUDENT SUCCESS.** (1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under section 101 of this act are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

**Sec. 104.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:

**CERTIFICATE OF ACADEMIC ACHIEVEMENT - PRIVATE SCHOOL STUDENTS EXEMPTED.**

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of ~~((mastery))~~ academic achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to ~~((RCW 28A.630.885))~~ section 101 of this act. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of ~~((mastery))~~ academic achievement. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) ~~((above))~~ of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

**Sec. 105.** RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read as follows:

**CERTIFICATE OF ACADEMIC ACHIEVEMENT - STUDENTS IN HOME-BASED INSTRUCTION EXEMPTED.** (1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

~~((+))~~ (a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15<sup>th</sup> of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

~~((2))~~ (b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

~~((3))~~ (c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of

education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of ~~((mastery))~~ academic achievement pursuant to ~~((RCW 28A.630.885))~~ section 101 of this act. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

## **PART 2 ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS**

NEW SECTION. Sec. 201. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORT REQUIRED ON ASSESSMENTS AND OTHER OPTIONS FOR MEETING THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS IN SOCIAL STUDIES, THE ARTS, AND HEALTH AND FITNESS. By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees with assessment options and other strategies to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline for implementation of those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The options may also include local and state reporting requirements in these content areas.

NEW SECTION. Sec. 202. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORTS REQUIRED ON THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS, THE RESULTS OF INDEPENDENT RESEARCH ON ALIGNMENT AND TECHNICAL REVIEW, AND THE FEASIBILITY OF RETURNING ASSESSMENT BEFORE THE END OF THE SCHOOL YEAR. (1) Subject to available funding, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for elementary and middle grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments and shall be reported in accordance with the following timelines:

- (a) In the content areas of reading and writing by November 1, 2004; and
- (b) In the content area of science by November 1, 2006.

(2) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

- (a) In the content areas of reading, writing, math, and science by November 1, 2004;
- (b) In the content area of social studies by November 1, 2005;
- (c) In the content area of the arts by November 1, 2006; and
- (d) In the content area of health and fitness by November 1, 2007.

(3) By November 30, 2003, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.230 RCW to read as follows:  
ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness.

Sec. 204. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:  
ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to

know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) In order to assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site, for optional use by schools and school districts, lists of resources and model assessments in social studies, the arts, and health and fitness.

**Sec. 205.** RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read as follows:

**ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION.** The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The commission may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. ~~((The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050.))~~ The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, obtain a certificate of academic achievement. The commission shall also determine student scores that identify levels of student performance below and beyond the standard. The commission shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificate of academic achievement. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. Beginning in 2004, if the commission makes any adjustment of the student performance standards, then the commission shall present the recommended performance standard to the education committees of the house of representatives and the senate by November 30th of the year before the school year in which the changes will take place in order to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. Any new or revised performance standard the commission plans to use for 2004 assessments shall be presented to the legislature by January 1, 2004;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature ~~((under RCW 28A.655.050))~~ and by the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving ~~((the reading goal under RCW 28A.655.050 and any additional))~~ goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(1) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 205. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - RCW 28A.655.060 REPEALED.** RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system--Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed.

### **PART 3 MISCELLANEOUS**

**NEW SECTION. Sec. 301.** Part headings and captions used in this act are not any part of the law.

**NEW SECTION. Sec. 302.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 303.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative McMahan moved the adoption of the following amendment (583) to amendment (581):

On page 2, line 3 of the amendment, after "achievement" strike "

(4) The" and insert ". The"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative McMahan spoke in favor of adoption of the amendment to the amendment.

Representative Quall spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

The question before the House was the adoption of amendment (581).

Representative Quall spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Talcott, Quall and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2195.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2195 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Benson, Bush, Clements, Crouse, Kirby and Schindler - 6.  
Excused: Representative Roach - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, having received the necessary constitutional majority, was declared passed.

### **REPORT OF THE CONFERENCE COMMITTEE**

June 5, 2003

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5401, Making appropriations and authorizing expenditures for capital improvements, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment be adopted

and that the bill do pass as amended by the Conference Committee.

Senators Zarelli, Honeyford and Poulsen Representatives Dunshee, Hunt and Alexander

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2005, out of the several funds specified in this act.

### **PART 1 GENERAL GOVERNMENT**

NEW SECTION. **Sec. 101. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**  
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

The appropriations in this section are provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$664,000

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE  
OFFICE OF THE SECRETARY OF STATE**

Deferred Maintenance Reduction Backlog Projects: Regional Archive (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the changes to the central Washington regional archives HVAC system to upgrade control systems.

Appropriation:

State Building Construction Account--State \$100,000

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$400,000  
TOTAL \$600,000

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE STATE AUDITOR  
STATE AUDITOR**

Moving and Equipment Costs (04-2-001)

Appropriation:

Thurston County Capital Facilities Account--State \$100,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$100,000

**NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT  
COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000  
Rural Washington Loan Account--Federal \$4,739,295  
Subtotal Reappropriation \$5,297,295

Prior Biennia (Expenditures) \$2,353,072  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,650,367

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:



General Fund--Federal \$1,900,000  
 Rural Washington Loan Account--Federal \$1,581,000  
 Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs) \$24,132,000  
 TOTAL \$27,613,000

**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Building for the Arts (00-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the projects listed in section 109, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,963,092

Prior Biennia (Expenditures) \$1,886,908  
 Future Biennia (Projected Costs) \$0  
 TOTAL \$3,850,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000
Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000

Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000
Western Washington center for the arts	Port Orchard	\$165,000
World kite museum	Long Beach	\$32,000
TOTAL		\$4,500,000

Appropriation:

State Building Construction Account--State \$4,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$16,000,000  
TOTAL \$20,500,000

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization Board (CERB) (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 123, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving Account--State \$4,871,748

Prior Biennia (Expenditures) \$1,769,252  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,641,000

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB) (02-4-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Facility Construction Loan Revolving Account--State \$4,431,000

Prior Biennia (Expenditures) \$1,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,931,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for loans to local governments.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$36,718,769

TOTAL \$48,209,769

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

County Public Facility Construction (00-2-010)

Reappropriation:

Distressed County Facilities Construction Loan Account--State \$538,989

Prior Biennia (Expenditures) \$3,461,011

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Cancer Research Facility Grant (01-S-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided as grants for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center and must be matched by an equal amount from nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$2,000,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (01-H-001)

Reappropriation:

Public Works Assistance Account--State \$93,593,068

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$93,593,068

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (02-4-013)

Reappropriation:

Public Works Assistance Account--State \$184,479,943

Prior Biennia (Expenditures) \$103,893,068

Future Biennia (Projected Costs) \$0

TOTAL \$288,372,911

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State \$261,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,319,499,999

TOTAL \$1,580,699,999

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fort Vancouver National Historic Reserve (01-S-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,987,248

Prior Biennia (Expenditures) \$12,752

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Chewelah Peak Environmental Learning Center (01-S-003)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$22,221

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$1,977,779

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Fox Theater Project (01-S-006)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$688,006

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$1,311,994

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Des Moines Beach Park - Structure Relocation (01-S-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$246,875

Prior Biennia (Expenditures) \$3,125

Future Biennia (Projected Costs) \$0

TOTAL \$250,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Upper Kittitas County - Emergency Management Service Facility (01-S-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum/I-90 region.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$908,500

Prior Biennia (Expenditures) \$11,500

Future Biennia (Projected Costs) \$0

TOTAL \$920,000

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

West Central Community Center (01-S-016)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$25,431

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$74,569

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Milton Skate Park (01-H-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$115,537

Prior Biennia (Expenditures) \$1,463  
Future Biennia (Projected Costs) \$0  
TOTAL \$117,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Pierce County Fairgrounds (01-H-017)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$95,125

Prior Biennia (Expenditures) \$54,875  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Coastal Erosion Grants (01-S-019)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the following conditions and limitations:
  - (a) Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.
  - (b) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.
- (2) The appropriation in this section is provided for coastal erosion grants in southeast Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Reappropriation:

State Building Construction Account--State \$583,155

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$666,845  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

City of Grandview Infrastructure Development (02-S-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects: Job Creation and Infrastructure Projects (02-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 202, chapter 238, Laws of 2002 as amended by section 901, chapter 10, Laws of 2003.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,213,000

Prior Biennia (Expenditures) \$10,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$17,213,000

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of RCW 43.63A.125. The reappropriation shall support the projects in section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,814,000

Prior Biennia (Expenditures) \$2,911,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,725,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (04-4-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

Projects	Location	Recommendation
Assistance league	Everett	\$400,000
Benton affordable housing	Richland	\$25,000
Boys and girls clubs/Pierce county	Tacoma	\$187,500
Boys and girls clubs/Thurston county	Olympia	\$102,175
Catholic community services	Seattle	\$400,000
Children's therapy center	Kent	\$250,000
Eritrean association	Seattle	\$346,000
First AME child/family center	Seattle	\$194,000

Girl scouts/Pacific peaks	DuPont	\$400,000
Hopelink	Carnation	\$201,521
Horizons	Sunnyside	\$175,000
Kent youth/family services	Kent	\$400,000
LIHI	Seattle	\$131,084
Lopez children's center	Lopez	\$220,000
Neighborhood House	Seattle	\$60,000
Opportunity council	Bellingham	\$400,000
Senior services/Seattle King county	Seattle	\$400,000
S' Klallam development fund	Kingston	\$69,000
Southeast Washington center for the deaf	Pasco	\$27,000
St. Anne's childcare center	Spokane	\$400,000
St. James family center	Cathlamet	\$18,000
Valley boys and girls club	Clarkston	\$400,000
Yelm community center	Yelm	\$400,000
YMCA/Snohomish county	Marysville	\$275,000
Youth Orion center	Seattle	\$50,000

\$5,931,280

TOTAL

Appropriation:

State Building Construction Account--State \$5,931,280

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$21,931,280

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND  
ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (02-4-008)



The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2004, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$7,700,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,700,000

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State \$8,500,000

State Building Construction Account--State \$4,000,000

Subtotal Appropriation \$12,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$32,400,000

TOTAL \$44,900,000

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

Drinking Water Assistance Account--State \$11,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$11,200,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farmworker Housing Assistance (02-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.
- (2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.
- (3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses.
- (4) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.
- (5) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Reappropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$7,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,000,000

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Meeting the conditions and limitations under section 117, chapter 8, Laws of 2001 2nd sp. sess. when combined with the prior biennial expenditures.
- (2) The reappropriation in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Reappropriation:

State Taxable Building Construction Account--State \$22,000,000

Prior Biennia (Expenditures) \$35,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$57,500,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Appropriation:

State Taxable Building Construction Account--State \$80,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$200,000,000  
TOTAL \$280,000,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seattle Heart Alliance (at Swedish Hospital) (04-4-960)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

McCaw Opera House (04-4-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Greenbank Farm (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Japanese American Memorial (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Wing Luke Asian Art Museum (04-4-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Bremerton Waterfront Project (04-4-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

PBS Digital Upgrade (04-4-958)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) \$350,000 is provided to public television station KYVE for the costs to convert to digital transmission capability and the upgrading and replacement of equipment, studio facilities, and contents.
- (3) The remaining appropriation is available for public television stations based outside central Puget Sound metropolitan areas.

Appropriation:

State Building Construction Account--State \$700,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$700,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Pine Lake Park Phase II (04-4-956)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Bellevue Open Space Enhancement (04-4-955)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

William Factory Business Incubator (04-4-957)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$560,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$560,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

City of Woodland Infrastructure Development (04-4-959)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) The appropriation is provided for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$300,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Yakima Ballfields (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: \$120,000 of the appropriation is provided solely to Yakima Valley Community College for the purchase of Noel field from the city of Yakima, and \$230,000 is provided solely to the city of Yakima to replace and relocate ballfields. It is the intention of the legislature that no funds be distributed to the city of Yakima until the transfer of the Noel field property is complete.

Appropriation:

State Building Construction Account--State \$350,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$350,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seventh Street Theatre (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act. All funds appropriated in this section must be matched by nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$51,110

Appropriation:

State Building Construction Account--State \$100,000

Prior Biennia (Expenditures) \$78,890

Future Biennia (Projected Costs) \$0

TOTAL \$230,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families with Children (02-4-012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$1,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Highline School District Aircraft Noise Mitigation (03-H-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations in section 205, chapter 205, Laws of 2002.

(2)(a) The appropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching this appropriation.

(b) This appropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State \$600,000  
Education Construction Account--State \$4,400,000  
Subtotal Reappropriation \$5,000,000

Appropriation:

State Building Construction Account--State \$10,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department.

(2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000

Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000
Former capitol historical marker	Olympia	\$2,000
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000
Highline historical society	Highline	\$300,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000
South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000



ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000
Woodway wildlife reserve	Woodway	\$300,000
Youth development center	Federal Way	\$100,000
		\$12,197,500

TOTAL

Appropriation:

State Building Construction Account--State \$12,197,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,197,500

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

State Games (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

**NEW SECTION. Sec. 153. FOR THE PUBLIC DISCLOSURE COMMISSION PUBLIC DISCLOSURE COMMISSION**

Infrastructure Security/Disaster Recovery Systems

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to develop a colocation facility to house infrastructure security/disaster recovery systems that will provide redundant fault tolerant capabilities in the event of natural or man-made disasters. The public disclosure commission shall consult with the department of information services in acquiring a location to house redundant servers and network infrastructure. The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

State Building Construction Account--State \$270,172

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$270,172

**NEW SECTION. Sec. 154. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**OFFICE OF FINANCIAL MANAGEMENT**  
Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works to address emergent needs for Merrill hall.  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 155. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**Budget System Improvements (02-1-004)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the following conditions and limitations in section 147, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:  
State Building Construction Account--State \$141,000

Prior Biennia (Expenditures) \$59,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 156. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
**Capital Monitoring (04-2-028)**

The appropriation in this section is subject to the following conditions and limitations:  
(1) The office of financial management shall review each agency request for project funding for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget with particular emphasis on major projects to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The office of financial management shall pay particular attention to: (a) Whether the construction phase of the project is consistent with the predesign and design when applicable; (b) that the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; (c) that standard measurements such as cost per square foot are reasonable; and (d) that any equipment related to the project is an appropriate capital expenditure. The office of financial management may seek assistance from the department of general administration.  
(2) The office of financial management shall consult with state agencies, higher education institutions, and the legislature and recommend criteria for funding equipment in the capital budget. This recommendation shall be made to the legislative fiscal committees by September 1, 2003.  
(3) \$150,000 of this appropriation shall be used to conduct a study of the realignment of military forces and alternative uses of the land and facilities currently used by the Washington State military department readiness centers and armories for the Washington army national guard.

Appropriation:  
State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
**DEPARTMENT OF GENERAL ADMINISTRATION**  
East Plaza Repairs (96-1-002)

Reappropriation:

State Vehicle Parking Account--State \$18,000,000

Prior Biennia (Expenditures) \$23,567,200  
Future Biennia (Projected Costs) \$12,425,000  
TOTAL \$53,992,200

**NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--State \$3,771,000

Prior Biennia (Expenditures) \$11,629,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$15,400,000

**NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000

Prior Biennia (Expenditures) \$1,964,065  
Future Biennia (Projected Costs) \$19,090,000  
TOTAL \$22,055,065

**NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Heritage Park/Capitol Lake (00-1-007)

Reappropriation:

State Building Construction Account--State \$405,000

Prior Biennia (Expenditures) \$1,567,700  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,972,700

**NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Heritage Park (01-H-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) This appropriation shall be used to complete the northeast sector of Heritage park, the area east of Capitol lake and north of the Burlington Northern-Santa Fe railroad tracks, and the hillside located north of the temple of justice.

(2) The department shall give priority to developing the park so that underground utilities are installed, topsoil laid, and grass planted in the northeast sector. No funds are to be used to demolish the existing restroom/storage facility or to build a new facility.

Reappropriation:

Capitol Building Construction Account--State \$976,000

Appropriation:

Thurston County Capital Facilities Account--State \$500,000

Prior Biennia (Expenditures) \$14,559,774  
Future Biennia (Projected Costs) \$0  
TOTAL \$16,035,774

**NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction Account--State \$68,450,000  
State Building Construction Account--State \$6,000,000  
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State \$2,300,000

Prior Biennia (Expenditures) \$26,031,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$102,781,000

**NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Capitol Campus: Infrastructure Preservation (02-1-003)

Reappropriation:

State Building Construction Account--State \$901,000

Prior Biennia (Expenditures) \$849,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,750,000

**NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
North Cascades Gateway Center Minor Works (02-1-004)

Reappropriation:

State Building Construction Account--State \$362,000

Prior Biennia (Expenditures) \$488,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$850,000

**NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Thurston County Facilities: Preservation (02-1-002)

Reappropriation:

Capitol Building Construction Account--State \$518,000  
State Building Construction Account--State \$1,466,000  
Subtotal Reappropriation \$1,984,000

Prior Biennia (Expenditures) \$14,559,774  
Future Biennia (Projected Costs) \$0  
TOTAL \$16,543,774

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$210,000

Prior Biennia (Expenditures) \$540,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Minor Works - Infrastructure Preservation: Capitol Campus (04-1-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be used for studies.

Appropriation:

Thurston County Capital Facilities Account--State \$2,100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,100,000

**NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Emergency Repairs (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Thurston County Capital Facilities Account--State \$1,300,000

State Building Construction Account--State \$300,000

Subtotal Appropriation \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,600,000

**NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000

State Building Construction Account--State \$6,009,000

Thurston County Capital Facilities Account--State \$3,437,000

Subtotal Appropriation \$9,586,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$9,586,000

**NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Historic Buildings - Exteriors Preservation (04-1-012)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the sole purpose of capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Appropriation:

State Building Construction Account--State \$1,475,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$11,600,000  
TOTAL \$13,075,000

**NEW SECTION. Sec. 171. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
State Capitol Master Plan Update (04-2-002)

The appropriation in this section is subject to the following conditions and limitations: The department shall update the state capital master plan. The department and the insurance commissioner shall revise their agreement for the department to study constructing a new building on the capitol campus to house the insurance commissioner and others and incorporate that study into the state master plan update. The \$100,000 the insurance commissioner is providing for that study shall be used for the state capital master plan update under this section.

Appropriation:

Thurston County Capital Facilities Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 172. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Minor Works - Facility Preservation: Statewide (04-1-004)

The appropriations in this section are subject to the following conditions and limitations:  
(1) The purpose of this appropriation is to address minor works projects under one million dollars total project cost, regardless of whether the project is completed in one biennia.  
(2) The appropriation shall not be used for studies, surveys, or carpet replacement.

Appropriation:

State Vehicle Parking Account--State \$220,000  
Thurston County Capital Facilities Account--State \$2,055,000  
General Administration Service Account--State \$3,270,000  
Subtotal Appropriation \$5,545,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,545,000

**NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Building Security (04-2-950)

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,179,000

**NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Legislative Building Space Use Changes (04-1-951)

Appropriation:

State Building Construction Account--State \$1,570,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,570,000

**NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
Cherberg Building: Predesign (04-2-951)

Appropriation:

Thurston County Capital Facilities Account--State \$600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT**  
**MILITARY DEPARTMENT**  
Bremerton Readiness Center (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$5,100,000  
State Building Construction Account--State \$5,800,000  
Subtotal Reappropriation \$10,900,000

Prior Biennia (Expenditures) \$923,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,823,000

**NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT**  
Combined Support Maintenance Shop (02-2-011)

Reappropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$1,281,000  
Future Biennia (Projected Costs) \$26,544,000  
TOTAL \$28,825,000

**NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT**  
Minor Works to Support Federal Construction Projects (02-1-001)

Reappropriation:

General Fund--Federal \$5,300,000  
State Building Construction Account--State \$1,700,000  
Subtotal Reappropriation \$7,000,000

Prior Biennia (Expenditures) \$5,525,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$12,525,000

**NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT**  
Energy Management Control Systems (04-2-006)

Appropriation:

State Building Construction Account--State \$365,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$365,000

**NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT**  
Preservation Projects - Statewide (02-1-006)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$235,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$485,000

**NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT**  
Minor Works - Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.

Appropriation:

State Building Construction Account--State \$1,113,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,113,000

**NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation shall support the projects as listed in section 207, chapter 238, Laws of 2002 2nd sp. sess.  
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT**  
Communication Security - Emergency Management Division-Building No. 20 (04-1-002)

Appropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT**  
Minor Works to Support Federal Construction Projects (04-1-003)

Appropriation:

General Fund--Federal \$11,150,000  
State Building Construction Account--State \$2,798,000  
Subtotal Appropriation \$13,948,000



Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,948,000

**NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT**  
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 186. FOR THE MILITARY DEPARTMENT**  
Spokane Readiness Center (04-2-003)

The appropriations in this section are subject to the following conditions and limitations: In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management. These reports must contain local, state, and federal funding reconciliation and balance sheets for this project and must detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal \$8,800,000  
State Building Construction Account--State \$4,768,000  
Subtotal Appropriation \$13,568,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,568,000

**NEW SECTION. Sec. 187. FOR THE MILITARY DEPARTMENT**  
Orting School District Safety Bridge Study (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the department to conduct a study of the feasibility of constructing a bridge to allow safe evacuation of the Orting school district to high ground in the event of natural disasters related to Mt. Rainier. The study shall include the estimated cost of bridge construction and under what circumstances the bridge is expected to allow safe evacuation. The department shall report to the Orting school board, the office of financial management, and the legislature by January 1, 2004.

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 188. FOR THE STATE CONVENTION AND TRADE CENTER**  
STATE CONVENTION AND TRADE CENTER  
Washington State Convention and Trade Center Omnibus Minor Works (04-1-002)

Appropriation:

State Convention and Trade Center Account--State \$2,045,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$2,045,000.

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,100,000

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$925,000

Prior Biennia (Expenditures) \$2,769,607  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,794,607

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Green Hill School Redevelopment: 416 Bed Institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$50,177,721  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,477,721

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Echo Glen Children's Center - Vocational Education: Construction (98-2-211)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department realizes project savings, funds reappropriated in this section may be transferred to infrastructure savings or used for a facilities condition assessment and preservation survey.

Reappropriation:

State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$3,236,667  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,386,667

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Western State Hospital: Legal Offender Unit (98-2-052)

The appropriations in this section are subject to the following conditions and limitations: The purpose of the appropriations is to complete construction, renovate wards, and demolish North Hall.

Reappropriation:

State Building Construction Account--State \$2,590,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$47,701,751  
Future Biennia (Projected Costs) \$0  
TOTAL \$51,294,341

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Rainier School - Laundry: Equipment (00-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$345,000

Prior Biennia (Expenditures) \$105,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$450,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)

Reappropriation:  
State Building Construction Account--State \$100,000

Appropriation:  
State Building Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$2,024,776  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,924,776

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$9,600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,100,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Reappropriation:  
State Building Construction Account--State \$250,000

Appropriation:  
State Building Construction Account--State \$5,490,000

Prior Biennia (Expenditures) \$525,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,265,000

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this

section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$24,000,000

Appropriation:

State Building Construction Account--State \$11,158,212

Prior Biennia (Expenditures) \$23,665,000

Future Biennia (Projected Costs) \$0

TOTAL \$58,823,212

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$70,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$70,000

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Less Restrictive Alternative: New Building (02-2-075)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$75,000

Prior Biennia (Expenditures) \$3,132,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,207,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Special Commitment Center - Regional SCTF: New 12 Bed Facility (04-2-502)

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Child Care Facilities for Students and State Employees (01-S-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to recapitalize child care facilities grant programs and provide for administration of the program. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

(2) The department may expend up to \$95,000 in the 2003-2005 biennium for administration and contract management.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$500,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Infrastructure Project: Savings (02-1-053)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be spent solely on projects or project elements in conformance with section 915 of this act.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$340,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$340,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Omnibus Preservation Projects (02-1-069)

The reappropriations in this section are subject to the following conditions and limitations:

(1) No expenditures from the reappropriation should be made for developmental disabilities facilities subject to closure.

(2) \$340,000 of the state building construction account--state reappropriation is to be expended on the Oakridge group home for miscellaneous repairs and is contingent upon the office of financial management transferring that amount from infrastructure project: Savings (02-1-053) to this appropriation by June 30, 2003.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,450,000

State Building Construction Account--State \$2,385,000

Subtotal Reappropriation \$3,835,000

Prior Biennia (Expenditures) \$2,005,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,840,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Omnibus Programmatic Projects (02-2-070)

The reappropriations in this section are subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$385,000

State Building Construction Account--State \$425,000

Subtotal Reappropriation \$810,000

Prior Biennia (Expenditures) \$190,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Power Plant: Revisions/Smokestack Removal (03-1-012)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$80,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,080,000

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Department of Social and Health Services: Capital Project Management (04-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Juvenile Rehabilitation - Acute Mental Health Unit: New Facility (04-2-203)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to complete a predesign and siting study on existing state owned property that addresses the need for a functional program, operating efficiencies, and the optimum size of the program based on forecasted population.

(2) This study shall be integrated with juvenile rehabilitation administration master planning efforts.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,502,000

TOTAL \$7,702,000

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Rainier School: Wastewater Treatment (Buckley) (04-1-950)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$250,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Maple Lane School - Steam Plant and Tunnels: Upgrade (04-1-207)

Appropriation:

State Building Construction Account--State \$2,650,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,650,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Program: Mental Health (04-2-365)

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Health, Safety, and Code Requirements (04-1-111)

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Facility Preservation (04-1-112)

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Minor Works - Infrastructure Preservation (04-1-113)

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide - Emergency Repairs (04-1-116)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide - Hazards Abatement and Demolition (04-1-119)

The appropriation in this section is subject to the following conditions and limitations:  
(1) No more than \$50,000 of this appropriation shall be used for hazardous materials surveys.  
(2) The remainder of the appropriation shall be used to demolish abandoned structures at facilities other than those managed by the division of developmental disabilities as approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Statewide: Facilities Condition Assessment and Preservation Plan (04-1-120)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$100,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$100,000

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
RHC Consolidation (04-1-958)

The appropriations in this section are subject to the following conditions and limitations:

(1) By September 15, 2003, the department shall submit a project request report planning document to the office of financial management and legislative fiscal committees and appropriate policy committees. The report shall outline and identify the projects, scope, schedule, and preliminary cost estimates for capital projects related to residential habilitation center consolidation within this appropriation for the 2003-05 biennium. Future project costs shall also be addressed that enable the department to complete consolidation during the 2005-07 biennium. Priority shall be given to infrastructure repairs and cottage renovations. The budget for 2003-05 is set at \$6,000,000 and shall not include demolition of structures.

(2) Up to \$50,000 of this appropriation may be used to expedite the completion of the planning document and to ensure accurate cost estimates by hiring consultants.

Appropriation:

State Building Construction Account--State \$2,000,000  
Charitable, Educational, Penal and Reformatory Institutions Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,000,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**Sec. 231.** 2001 2nd sp.s. c 8 s 209 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Eastern State Hospital: Legal Offender Unit (98-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State (~~\$2,365,463~~)



\$250,000

Prior Biennia (Expenditures) \$15,330,537  
Future Biennia (Projected Costs) \$0  
TOTAL ((~~\$17,696,000~~))

\$15,580,537

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Juvenile Rehabilitation Administration Master Planning Updates (04-1-957)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the juvenile rehabilitation administration to contract for master planning services.
- (2) The department shall contract for planning services to include, but not necessarily be limited to, an update to presently existing plans, and shall consider system-wide facility capacity and infrastructure condition and capacity; security needs; specialized populations, including acute mental health needs; and efficiencies, based on current population growth. The study shall investigate the possibility of lesser or greater growth than currently forecasted.
- (3) The study scope is subject to review and approval by the office of financial management and the legislative fiscal capital and appropriate policy committees. The office of financial management shall coordinate the review of the study scope.
- (4) The juvenile rehabilitation administration shall report to the office of financial management and the legislature with initial information about the process and demographic data to be used in planning by December 1, 2003. The final study is due to the office of financial management and fiscal capital and policy committees no later than September 1, 2004.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF HEALTH DEPARTMENT OF HEALTH**  
Drinking Water Assistance Program (02-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$5,000,000

Prior Biennia (Expenditures) \$19,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$24,000,000

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF HEALTH**  
Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal \$28,122,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$28,122,000

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

Reappropriation:  
State Building Construction Account--State \$2,231,485

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,231,485

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: C Wing Remodel (02-2-002)

Reappropriation:  
State Building Construction Account--State \$295,900

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$295,900

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:  
State Building Construction Account--State \$2,355,142

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,355,142

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: E Wing Remodel (02-2-003)

Reappropriation:  
State Building Construction Account--State \$295,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$295,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
DEPARTMENT OF VETERANS AFFAIRS  
Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Reappropriation:  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$520,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$520,000

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$500,000

Appropriation:

General Fund--Federal \$30,730,700  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$250,000  
State Building Construction Account--State \$12,000,000  
Subtotal Appropriation \$42,980,700

Prior Biennia (Expenditures) \$2,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$45,980,700

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Historic District Management Plan (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the completion of an historic district management plan that will address a federal requirement related to demolition of historically significant buildings and other structures as identified by the state historical preservation office at Retsil veterans home.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$40,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$40,000

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Emergency Repairs (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$300,000

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Infrastructure Savings (04-1-851)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Minor Works - Facility Preservation: Orting (04-1-004)

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$140,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$890,000

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS**  
DEPARTMENT OF CORRECTIONS  
Correctional Industries Space (98-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$4,368,519

Prior Biennia (Expenditures) \$3,431,481  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,800,000

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS**  
Coyote Ridge Corrections Center: Expansion (98-2-011)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$1,054,117

Prior Biennia (Expenditures) \$1,607,834  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,661,951

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS**  
Stafford Creek Corrections Center: Construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$6,436,433

Prior Biennia (Expenditures) \$191,151,952  
Future Biennia (Projected Costs) \$0  
TOTAL \$197,588,385

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS**  
Local Criminal Justice Facilities (99-2-003)

The reappropriations in this section are subject to the following conditions and limitations:  
(1) The reappropriation from the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.  
(2) \$500,000 of the state building construction account--state reappropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.  
(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
General Fund--Federal \$3,019,674  
State Building Construction Account--State \$2,668,195  
Subtotal Reappropriation \$5,687,869

Prior Biennia (Expenditures) \$1,097,603  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,785,472

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS**  
Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal \$672,287  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$94,194  
Subtotal Reappropriation \$766,481

Prior Biennia (Expenditures) \$271,521  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,038,002

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

The appropriations in this section are subject to the following conditions and limitations:  
(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.  
(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.

Reappropriation:

General Fund--Federal \$10,964,679  
State Building Construction Account--State \$8,575,906  
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031

Prior Biennia (Expenditures) \$1,223,416  
Future Biennia (Projected Costs) \$0  
TOTAL \$39,438,032

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Intensive Management Unit Improvements (00-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$4,100,964  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,600,964

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Corrections Center: Regional Training Center (02-2-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,812,140

Prior Biennia (Expenditures) \$162,860

Future Biennia (Projected Costs) \$0  
TOTAL \$2,975,000

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Omnibus Preservation (02-1-015)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,124,489

Prior Biennia (Expenditures) \$494,758  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,619,247

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Program (02-2-030)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,291,000

Prior Biennia (Expenditures) \$234,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,525,000

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS**  
Olympic Corrections Center: Replace Telecomm System (02-1-041)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$406,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,406,000

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS**  
Pine Lodge: Replace Telecommunication System (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$774,944

Prior Biennia (Expenditures) \$364,056  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,139,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS**  
Statewide Intensive Management Unit Repairs (02-1-040)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,544,656

Prior Biennia (Expenditures) \$67,344

Future Biennia (Projected Costs) \$0

TOTAL \$1,612,000

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Building Water Pipe Replacement Phase 2 (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,281,299

Prior Biennia (Expenditures) \$412,701

Future Biennia (Projected Costs) \$0

TOTAL \$2,694,000

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Domestic Water System Improvements (02-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,300,000

Prior Biennia (Expenditures) \$231,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,531,000

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Replace Steam/Condensate Piping (02-1-006)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,170,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,170,000

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Electrical Supply System (02-1-024)

Reappropriation:

State Building Construction Account--State \$3,729,706

Appropriation:

State Building Construction Account--State \$4,242,715

Prior Biennia (Expenditures) \$331,294

Future Biennia (Projected Costs) \$4,016,473

TOTAL \$12,320,188

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)

Reappropriation:  
State Building Construction Account--State \$870,000

Appropriation:  
State Building Construction Account--State \$1,312,167

Prior Biennia (Expenditures) \$200,000  
Future Biennia (Projected Costs) \$1,187,520  
TOTAL \$3,569,687

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**  
Coyote Ridge Corrections Center: Expand Minimum Security Facility by 210 Beds (03-2-002)

Reappropriation:  
State Building Construction Account--State \$2,804,073

Prior Biennia (Expenditures) \$589,927  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,394,000

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Water Tank Replacement (03-1-022)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$1,394,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,394,000

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)

Appropriation:  
State Building Construction Account--State \$4,902,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$980,000  
TOTAL \$5,882,000

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Facility Preservation (04-1-001)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0



Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works - Infrastructure Preservation (04-1-003)

Appropriation:  
State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency Repairs (04-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:  
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,600,000

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Appropriation:  
State Building Construction Account--State \$17,809,202

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,809,202

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary: North Close Security Compound (04-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to construct essential close custody security beds and directly related structures.

Appropriation:  
State Building Construction Account--State \$133,940,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$5,800,000  
TOTAL \$139,740,000

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**  
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:  
State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**  
Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the department to contract for master planning services.
- (2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.
- (3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity.
- (4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.
- (5) The scope of planning work shall be subject to review and approval by the office of financial management and the legislative fiscal capital committees. The office of financial management shall coordinate the review process. No later than October 1, 2003, and prior to pursuing a request for proposal, the department shall report to the office of financial management and the legislative fiscal capital committees on a proposed scope of work and draft timeline work plan. No later than January 15, 2004, the department shall report to the office of financial management and the legislative fiscal capital committees on the selection of a consultant, and revised scope of work and timeline work plan.
- (6) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:  
State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Regional Infrastructure (04-2-008)

Appropriation:  
State Building Construction Account--State \$4,650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$10,518,000  
TOTAL \$15,168,000

**NEW SECTION. Sec. 275. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
CRIMINAL JUSTICE TRAINING COMMISSION  
School Mapping and Security (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a school mapping and security project. The association and the criminal justice training commission shall coordinate this effort with the school safety advisory committee.

Appropriation:  
State Building Construction Account--State \$4,800,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,800,000.

**PART 3**  
**NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**  
DEPARTMENT OF ECOLOGY  
Referendum 38 Water Supply Facilities (74-2-006)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

(4) \$614,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 308 of this act.

Reappropriation:

State Drought Preparedness--State \$614,000  
State and Local Improvements Revolving Account (Water Supply Facilities)--State \$3,716,000  
Subtotal Reappropriation \$4,330,000

Prior Biennia (Expenditures) \$13,268,071  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,598,071

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 38 Water Supply Facilities (02-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the reappropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) The department shall submit a report to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$5,394,000

Prior Biennia (Expenditures) \$606,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,000,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contract on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account--State \$49,791,440

Prior Biennia (Expenditures) \$84,039,482  
Future Biennia (Projected Costs) \$0  
TOTAL \$133,830,922

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State \$45,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$45,000,000

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal \$27,357,355

Prior Biennia (Expenditures) \$73,083,222

Future Biennia (Projected Costs) \$0

TOTAL \$100,440,577

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**  
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State \$5,255,168

Prior Biennia (Expenditures) \$1,028,898

Future Biennia (Projected Costs) \$0

TOTAL \$6,284,066

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**  
Low-level Nuclear Waste Disposal Trench Site Investigation (04-4-010)

Appropriation:

Site Closure Account--State \$1,141,415

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,141,415

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**  
Water Rights Purchase/Lease (99-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Reappropriation:

General Fund--Federal \$1,343,000

Prior Biennia (Expenditures) \$2,145,551

Future Biennia (Projected Costs) \$0  
TOTAL \$3,488,551

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**  
Water Rights Purchase/Lease (04-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Appropriation:

General Fund--Federal \$1,500,000  
State Drought Preparedness--State \$1,500,000  
Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**  
Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,650,000  
Water Quality Account--State \$3,117,000  
Subtotal Reappropriation \$5,767,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$3,233,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY**  
Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State \$2,700,000

Prior Biennia (Expenditures) \$700,000  
Future Biennia (Projected Costs) \$0

TOTAL \$3,400,000

**NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Account--State \$20,210,510

Prior Biennia (Expenditures) \$115,983,563

Future Biennia (Projected Costs) \$0

TOTAL \$136,194,073

**NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$1,500,000 of the state building construction--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(5) \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

(6) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

(7) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$30,452,000

Water Quality Account--State \$15,948,000

Subtotal Appropriation \$46,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,000,000

TOTAL \$246,400,000

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$149,099,023

Water Pollution Control Revolving Account--Federal \$39,474,405

Subtotal Reappropriation \$188,573,428

Prior Biennia (Expenditures) \$166,029,368

Future Biennia (Projected Costs) \$0

TOTAL \$354,602,796

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State \$66,663,333  
Water Pollution Control Revolving Account--Federal \$44,466,666  
Subtotal Appropriation \$111,129,999

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$462,000,000  
TOTAL \$573,129,999

**NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY**  
Water Supply Facilities Program (04-4-006)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$1,000,000 of the state building construction account appropriation and \$3,000,000 of the state and local improvements revolving account appropriation are provided solely for expenditure under a contract between the department of ecology and the United States bureau of reclamation for the development of plans, engineering, and financing reports and other preconstruction activities associated with the development of water storage projects in the Yakima river basin, consistent with the Yakima river basin water enhancement project, P.L. 103-434. The initial water storage feasibility study shall be for the Black Rock reservoir project. The department shall seek federal funds to augment the funding provided by this appropriation.

(b) Up to \$2,240,000 of the state building construction account--state appropriation is provided solely for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(c) The remainder of the state building construction account appropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(3) By December 1, 2003, the department shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate listing all projects funded under this section.

Appropriation:

State Building Construction Account--State \$6,650,000  
State and Local Improvements Revolving Account (Water Supply Facilities)--State \$7,000,000  
Subtotal Appropriation \$13,650,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,650,000

**NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY**  
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal \$1,472,891  
State Building Construction Account--State \$693,353  
Subtotal Reappropriation \$2,166,244

Appropriation:

General Fund--Federal \$2,417,196  
State Building Construction Account--State \$568,804

Subtotal Appropriation \$2,986,000

Prior Biennia (Expenditures) \$527,756  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,680,000

**NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY**  
Twin Lake Aquifer Recharge Project (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water right applications and restoration of the Twin Lakes in the Methow valley.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF ECOLOGY**  
Columbia Basin Ground Water Management (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of ecology to make grants to implement the Columbia basin ground water management area plan.

Appropriation:

Water Quality Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**  
STATE PARKS AND RECREATION COMMISSION  
Lewis and Clark Trail Bicentennial (00-1-010)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,337,000

Prior Biennia (Expenditures) \$600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,837,000

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Improvement (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations: \$200,000 is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Reappropriation:

State Building Construction Account--State \$750,000



Prior Biennia (Expenditures) \$2,750,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,500,000

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Beacon Rock Pierce Trust (02-3-018)

Reappropriation:  
Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Beacon Rock Pierce Trust (04-2-018)

Appropriation:  
Parks Renewal and Stewardship Account--State \$50,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,000

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$1,200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Coastal Facility Relocation (02-1-017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 324, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:  
Parks Renewal and Stewardship Account--State \$3,500,000

Prior Biennia (Expenditures) \$584,500  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,084,500

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facilities Preservation: Statewide (98-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:  
State Building Construction Account--State \$900,000

Prior Biennia (Expenditures) \$8,784,535

Future Biennia (Projected Costs) \$0  
TOTAL \$9,684,532

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$3,875,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Preservation (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation is provided solely to continue minor works projects that reduce the deferred maintenance backlog.  
(2) The legislature does not intend to reappropriate any amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$4,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,000,000

**NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Minor Works - Facility Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:

State Building Construction Account--State \$1,837,500  
Parks Renewal and Stewardship Account--State \$5,900,000  
Subtotal Appropriation \$7,737,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,737,500

**NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$4,569,365  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,069,365

**NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Worden (04-1-004)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Cama Beach State Park Development (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State \$310,000

Prior Biennia (Expenditures) \$690,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$1,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,200,000

**NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Natural/Historic Stewardship (02-1-006)

Reappropriation:

State Building Construction Account--State \$600,000

Prior Biennia (Expenditures) \$400,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$6,200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,500,000

**NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Stewardship (04-1-010)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$9,000,000

**NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Park Housing (02-2-008)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Parkland Acquisition Account (02-2-016)

Reappropriation:

Parkland Acquisition Account--State \$1,951,417

Prior Biennia (Expenditures) \$48,583  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Parkland Acquisition (04-2-013)

Appropriation:

Parkland Acquisition Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$9,000,000

**NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Iron Horse Trail (04-2-016)

The appropriation in this section is subject to the following conditions and limitations:

- (1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.
- (2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

State Building Construction Account--State \$262,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$262,500

**NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Recreation Development-Grayland Beach (02-2-007)

Reappropriation:

State Building Construction Account--State \$450,000

Prior Biennia (Expenditures) \$50,000

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Boat Pumpout - Federal Clean Vessel Act (02-2-020)

Reappropriation:

General Fund--Federal \$797,528

Prior Biennia (Expenditures) \$202,472

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)

Appropriation:

General Fund--Federal \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL \$5,000,000

**NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Job Creation and Infrastructure (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.
- (2) The reappropriation shall support the projects as listed in section 211, chapter 238, Laws of 2002.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$5,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$9,500,000

**NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Deception Pass State Park Renovation (04-1-019)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for design and permits for park and marine crew area relocation.

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$250,000

**NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Emergency Repairs (04-1-012)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets

or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$3,200,000  
TOTAL \$3,700,000

**NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Facility Assessment (04-2-011)

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit to the legislature, no later than October 15, 2003, a report regarding the current condition and prospective content of the state parks system for the system's centennial in 2013. The report and its proposals must include the following elements: Lands, facilities, and programs within the current state parks system, park renovation needs, development of new public-use facilities on existing state park lands, the rearranging of park assets for better public use, and how these investments relate to the recreation needs of the state's growing population. The report also is to include a financing strategy including but not limited to private/public resources potentially available for the centennial.

Appropriation:

Parks Renewal and Stewardship Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Recreation Development (04-2-002)

The appropriation in this section is subject to the following conditions and limitations:  
(1) \$100,000 of the appropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.  
(2) \$900,000 of the appropriation shall be used to install fee collection stations at selected parks statewide.  
(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$2,900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$8,000,000  
TOTAL \$10,900,000

**NEW SECTION. Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Canby Improvements (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Realvest upland area.

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$750,000

**NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**  
Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State \$9,929,319

Prior Biennia (Expenditures) \$9,553,140

Future Biennia (Projected Costs) \$0

TOTAL \$19,482,459

**NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Program (98-2-004)

Reappropriation:

Firearms Range Account--State \$147,078

Prior Biennia (Expenditures) \$426,591

Future Biennia (Projected Costs) \$0

TOTAL \$573,669

**NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) Reappropriated funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.
- (2) The reappropriations in this section expire December 31, 2003.

Reappropriation:

Outdoor Recreation Account--State \$16,226,384

Habitat Conservation Account--State \$14,098,656

Subtotal Reappropriation \$30,325,040

Prior Biennia (Expenditures) \$64,740,260

Future Biennia (Projected Costs) \$0

TOTAL \$84,649,025

**NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 are subject to the following conditions and limitations:

- (1) The reappropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

- (3) It is the intent of the legislature that no reappropriations shall be made in the 2005-07 biennium.

Reappropriation:

Outdoor Recreation Account--State \$15,089,319

Habitat Conservation Account--State \$19,200,926

Subtotal Reappropriation \$34,290,245

Prior Biennia (Expenditures) \$10,709,755

Future Biennia (Projected Costs) \$0

TOTAL \$45,000,000

**NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$22,500,000  
Habitat Conservation Account--State \$22,500,000  
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$120,000,000  
TOTAL \$165,000,000

**NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms and Archery Range Program (FARR) (02-0-001)

Reappropriation:

Firearms Range Account--State \$388,462

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$388,462

**NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$150,000

**NEW SECTION. Sec. 357. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Hatchery Management Program (02-4-009)

Reappropriation:

General Fund--Federal \$9,663,822

Prior Biennia (Expenditures) \$1,404,650  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,068,472

**NEW SECTION. Sec. 358. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Hatchery Management Program (04-4-010)



Appropriation:

General Fund--Federal \$10,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$50,000,000

**NEW SECTION. Sec. 359. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation (LWCF) (02-4-005)

The reappropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the recreation resources account--federal is reappropriated for projects chosen by the interagency committee for outdoor recreation.

Reappropriation:

Recreation Resources Account--Federal \$7,143,443

Prior Biennia (Expenditures) \$225,228

Future Biennia (Projected Costs) \$0

TOTAL \$7,500,000

**NEW SECTION. Sec. 360. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (LWCF) (04-4-007)

Appropriation:

General Fund--Federal \$5,735,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,735,000

**NEW SECTION. Sec. 361. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails (NRTP) (98-2-006)

Reappropriation:

Recreation Resources Account--Federal \$261,247

Prior Biennia (Expenditures) \$1,760,568

Future Biennia (Projected Costs) \$0

TOTAL \$2,067,614

**NEW SECTION. Sec. 362. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails Program (NRTP) (02-4-006)

Reappropriation:

Recreation Resources Account--Federal \$1,617,419

Prior Biennia (Expenditures) \$420,230

Future Biennia (Projected Costs) \$0

TOTAL \$2,132,936

**NEW SECTION. Sec. 363. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** National Recreation Trails Program (NRTP) (04-4-008)

Appropriation:

General Fund--Federal \$2,260,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,260,000

**NEW SECTION. Sec. 364. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities  
Program Account--State \$3,982,180

Prior Biennia (Expenditures) \$7,064,917  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,095,923

**NEW SECTION. Sec. 365. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Nonhighway Off-Road Vehicle (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway Off-Road Vehicle Activities Program Account--State \$4,479,456

Prior Biennia (Expenditures) \$1,040,141  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,527,551

**NEW SECTION. Sec. 366. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State \$6,226,310

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,226,310

**NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Salmon Recovery (00-2-001)**

The reappropriation in this section is subject to the following conditions and limitations: The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

General Fund--Federal \$35,263,219  
Salmon Recovery Account--State \$11,076,017  
Subtotal Reappropriation \$46,339,236

Prior Biennia (Expenditures) \$53,566,576  
Future Biennia (Projected Costs) \$0  
TOTAL \$101,569,389

**NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Salmon Recovery (02-4-007)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

Reappropriation:

General Fund--Federal \$45,519,996  
State Building Construction Account--State \$20,748,251  
Subtotal Reappropriation \$66,268,247

Prior Biennia (Expenditures) \$10,577,920  
Future Biennia (Projected Costs) \$0  
TOTAL \$74,993,000

**NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Salmon Recovery Fund Board Programs (SRFB) (04-4-001)**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$23,187,500 of the appropriation is provided for grants for restoration projects.

(2) The remainder of the appropriation is provided solely for grants for other salmon recovery efforts.

These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

(3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.

Appropriation:

General Fund--Federal \$34,375,000  
State Building Construction Account--State \$12,000,000  
Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$46,375,000

**NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Boating Facilities Program (02-4-001)**

Reappropriation:

Recreation Resources Account--State \$6,389,602

Prior Biennia (Expenditures) \$345,510

Future Biennia (Projected Costs) \$0

TOTAL \$6,934,013

**NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Boating Facilities Program (BFP) (04-4-003)**

Appropriation:

Recreation Resources Account--State \$7,506,959

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,506,959

**NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Boating Infrastructure Grant (BIG) (02-4-010)**

Reappropriation:

Recreation Resources Account--Federal \$1,926,155

Prior Biennia (Expenditures) \$39,350

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 373. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Boating Infrastructure Grant Program (BIG) (04-4-009)**

Appropriation:

General Fund--Federal \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 374. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Family Forest Fish Blockages Program (04-4-011)**

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 369 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(3) The committee may not expend more than \$100,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 375. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The department shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

Aquatic Lands Enhancement Account--State \$1,485,269

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,485,269

**NEW SECTION. Sec. 376. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Aquatic Lands Enhancement Grants (02-4-018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

Reappropriation:

Aquatic Lands Enhancement Account--State \$3,630,075

Prior Biennia (Expenditures) \$1,934,925

Future Biennia (Projected Costs) \$0

TOTAL \$5,565,000

**NEW SECTION. Sec. 377. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Aquatic Lands Enhancement Grants (04-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-32, as developed on June 4, 2003.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2005-2007 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. This process must be coordinated with the salmon recovery funding board selection process. The list of projects must be submitted to the office of financial management by September 15, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$5,356,400

Prior Biennia (Expenditures) \$12,622,319

Future Biennia (Projected Costs) \$22,000,000

TOTAL \$39,978,719

**NEW SECTION. Sec. 378. FOR THE STATE CONSERVATION COMMISSION**  
STATE CONSERVATION COMMISSION  
Skykomish Flood Mitigation Project (01-H-013)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$181,000

Prior Biennia (Expenditures) \$318,000

Future Biennia (Projected Costs) \$0

TOTAL \$799,000

**NEW SECTION. Sec. 379. FOR THE STATE CONSERVATION COMMISSION**  
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,000,000

**NEW SECTION. Sec. 380. FOR THE STATE CONSERVATION COMMISSION**  
Dairy Nutrient Management Grants Program (02-4-002)

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,950,000

**NEW SECTION. Sec. 381. FOR THE STATE CONSERVATION COMMISSION**  
Puget Sound District Grants (02-4-003 and 04-4-005)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-003. The appropriation is for project number 04-4-005.

Reappropriation:

Water Quality Account--State \$150,000

Appropriation:

Water Quality Account--State \$840,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,680,000

**NEW SECTION. Sec. 382. FOR THE STATE CONSERVATION COMMISSION**  
Water Quality Grants Program (02-4-001 and 04-4-002)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-4-002.

Reappropriation:

Water Quality Account--State \$750,000

Appropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$4,250,000

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish Screens (01-H-011)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by these appropriations may be used to match federal funds appropriated under HR 1444, the fisheries restoration and irrigation mitigation act of 2000.

Reappropriation:

State Building Construction Account--State \$1,000,000  
General Fund--Federal \$500,000  
Subtotal Reappropriation \$1,500,000

Appropriation:

State Building Construction Account--State \$1,000,000  
  
Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Code Compliance and Protection (02-1-005)

The reappropriations in this section are subject to the following conditions and limitations: This section reappropriates a portion of the appropriations made in section 389, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$506,700  
State Building Construction Account--State \$350,000  
Subtotal Reappropriation \$856,700

Prior Biennia (Expenditures) \$2,000,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,856,700

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Commercial and Recreational Customer Satisfaction Improvements (02-2-006)

Reappropriation:

Warm Water Game Fish Account--State \$505,000  
Wildlife Account--State \$500,000  
Subtotal Reappropriation \$1,005,000

Prior Biennia (Expenditures) \$55,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,060,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Diverse Fish and Wildlife Population Health and Protection (02-2-004)

Reappropriation:

State Building Construction Account--State \$190,000  
Wildlife Account--State \$1,045,000  
Subtotal Reappropriation \$1,235,000

Prior Biennia (Expenditures) \$6,015,000  
Future Biennia (Projected Costs) \$0

TOTAL \$7,250,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
ESA Compliance on Agency Lands (02-2-002)

Reappropriation:

State Building Construction Account--State \$650,000

Prior Biennia (Expenditures) \$350,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Facility and Infrastructure Standards and Renovations (02-1-009)

The reappropriations in this section are subject to the following conditions and limitations: The department shall expend the reappropriated funds as detailed in section 390, chapter 8, Laws of 2001 2nd sess.

Reappropriation:

Aquatic Lands Enhancement Account--State \$150,000

State Building Construction Account--State \$3,290,000

Wildlife Account--State \$250,000

Subtotal Reappropriation \$3,690,000

Prior Biennia (Expenditures) \$8,931,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,621,000

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations: \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.

Appropriation:

General Fund--Federal \$600,000

State Building Construction Account--State \$3,875,000

Subtotal Appropriation \$4,475,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,475,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Opportunity Improvements (04-2-006)

Appropriation:

Warm Water Game Fish Account--State \$550,000

Wildlife Account--State \$1,500,000

Subtotal Appropriation \$2,050,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,050,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)



Reappropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$300,000

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Partnership Improvements with Internal and External Customers (02-2-008)

The reappropriations in this section are subject to the following conditions and limitations: Expenditures of the reappropriation in this section for fencing must comply with chapter 16.60 RCW.

Reappropriation:

Aquatic Lands Enhancement Account--State \$30,000

State Building Construction Account--State \$150,000

Game Special Wildlife Account--Federal \$400,000

Subtotal Reappropriation \$580,000

Prior Biennia (Expenditures) \$3,695,400

Future Biennia (Projected Costs) \$0

TOTAL \$4,275,400

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Culvert Replacement for Fish Passage (03-S-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Reappropriation:

State Building Construction Account--State \$420,000

Prior Biennia (Expenditures) \$80,000

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$970,000

Prior Biennia (Expenditures) \$2,070,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,040,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Watchable Fish and Wildlife Recreation Sites (02-2-007)

Reappropriation:

Wildlife Account--State \$995,076

Prior Biennia (Expenditures) \$4,924

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Local and Regional Salmon Recovery Planning (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations contained in section 133, chapter 238, Laws of 2002.

Reappropriation:

Water Quality Account--State \$700,000

Prior Biennia (Expenditures) \$300,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.

(2) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.

Appropriation:

General Fund--Federal \$2,830,000

General Fund--Private/Local \$3,500,000

State Building Construction Account--State \$2,400,000

Wildlife Account--State \$1,700,000

Subtotal Appropriation \$10,430,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$10,430,000

**NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000

General Fund--Private/Local \$1,500,000

Wildlife Account--State \$200,000

State Building Construction Account--State \$7,700,000

Subtotal Appropriation \$13,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$13,900,000

**NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal \$4,000,000  
General Fund--Private/Local \$2,000,000  
Game Special Wildlife Account--State \$50,000  
Game Special Wildlife Account--Federal \$400,000  
Game Special Wildlife Account--Private/Local \$50,000  
Subtotal Appropriation \$6,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,500,000

**NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Washington Department of Fish and Wildlife Energy Savings (04-1-016)

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Wind Power Mitigation (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Youth Sport Fishing Program (04-2-017)

Appropriation:

Wildlife Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Region 1 Office - Spokane (04-2-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.

Appropriation:

State Building Construction Account--State \$3,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$3,900,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Deschutes Hatchery (04-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$350,000 of the state building construction account appropriation is provided solely for the department to contract for a predesign assessment of alternatives for the Deschutes hatchery and the report described in this section.

(2) By September 15, 2004, the department shall report to the legislature and the office of financial management the results of the predesign assessment. The report shall include, but is not limited to:

(a) A determination of facility requirements to comply with water quality standards, including meeting standards for water bodies on the 303(d) list of impaired waters;

(b) Identification of agencies and organizations contributing to the facility, including their role, funding commitments, and sources of funds for the construction and operation of the facility;

(c) Estimated cost of all facilities, proposed funding sources, and construction timeline; and

(d) Identification of fish hatchery facilities and programs to be replaced or modified as a result of construction of the Deschutes hatchery.

(3) The department shall provide a progress report to the legislature and the office of financial management by January 15, 2004.

(4) It is the intent of the legislature that funding for the design of the Deschutes hatchery be considered in the 2005-07 fiscal biennium.

Appropriation:

State Building Construction Account--State \$350,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$350,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
DEPARTMENT OF NATURAL RESOURCES Forest Legacy (00-2-020 and 02-2-015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation provides \$184,309 for project number 00-2-020 and \$4,200,000 for project number 02-2-015.

Reappropriation:

General Fund--Federal \$4,384,309

Prior Biennia (Expenditures) \$2,885,691  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,270,000

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works (02-2-001)

Reappropriation:

Forest Development Account--State \$256,230  
Resources Management Cost Account--State \$482,466  
State Building Construction Account--State \$455,575  
Agricultural College Trust Management Account--State \$68,950  
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,270,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Marine Station Public Access (02-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State \$65,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$175,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works--Facility Preservation (04-1-002)

Appropriation:

Forest Development Account--State \$224,900

Resources Management Cost Account--State \$389,700

State Building Construction Account--State \$150,000

Agricultural College Trust Management Account--State \$49,200

Subtotal Appropriation \$813,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$813,800

**NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Agricultural Asset Preservation (04-1-017)

Appropriation:

Resource Management Cost Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

**NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Commercial Development/Local Improvement Districts (04-2-009)

Appropriation:

Resource Management Cost Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

**NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Communication Site Repairs (04-1-024)

Appropriation:

Forest Development Account--State \$50,000

Resource Management Cost Account--State \$150,000

Subtotal Appropriation \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

**NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State \$96,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0  
TOTAL \$96,000

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Forest Legacy (04-2-015)

Appropriation:  
General Fund--Federal \$6,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,000,000

**NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Hazardous Waste Removal (04-1-006)

Appropriation:  
Forest Development Account--State \$25,000  
Resource Management Cost Account--State \$25,000  
Subtotal Appropriation \$50,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$50,000

**NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Land Bank (04-2-013)

Appropriation:  
Resource Management Cost Account--State \$5,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Marine Station Public Access (04-2-019)

Appropriation:  
Aquatic Lands Enhancement Account--State \$100,000

Prior Biennia (Expenditures) \$175,000  
Future Biennia (Projected Costs) \$1,500,000  
TOTAL \$1,775,000

**NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works - Health, Safety, and Code (04-2-001)

Appropriation:  
Forest Development Account--State \$133,400  
Resource Management Cost Account--State \$232,000  
Agricultural College Trust Management Account--State \$29,000  
Subtotal Appropriation \$394,400

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$394,400

**NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mobile Radio System Upgrade (04-2-022)

The appropriations in this section are subject to the following conditions and limitations: The department shall study and evaluate options for a comprehensive user fee system that equally distributes the cost to operate, maintain, and capitalize the radio system to all users on the network. The study must include an evaluation of a user fee system based on access to the network and not on radio inventory. The department shall report the study's findings and recommendations to the office of financial management by September 15, 2003.

Appropriation:

Forest Development Account--State \$227,400  
Resource Management Cost Account--State \$386,500  
State Building Construction Account--State \$1,659,800  
Subtotal Appropriation \$2,273,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,273,700

**NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Area Facilities Preservation (04-1-016)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that fully support the maintenance, operation, and capitalization of its natural area preserve facilities. This study must be submitted to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$185,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$185,000

**NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Resource Real Property Replacement (04-2-012)

Appropriation:

Natural Resources Real Property Replacement Account--State \$20,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,000,000

**NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Trust Land Transfer Program (04-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring commercial real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues

from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(11) The department of natural resources shall manage lands acquired as "Bone river natural area preserve" as a natural resources conservation area under chapter 79.71 RCW.

**Appropriation:**

State Building Construction Account--State \$55,000,000  
Natural Resources Real Property Replacement Account--State \$11,000,000  
Subtotal Appropriation \$66,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$250,000,000  
TOTAL \$316,000,000

**NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Real Estate Repair, Maintenance, and Tenant Improvements (04-1-005)

**Appropriation:**

Resource Management Cost Account--State \$1,200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,200,000

**NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Recreation Facilities Preservation (04-1-011)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that will fully support the maintenance, operation, and capitalization of its recreational facilities to the office of financial management by September 15, 2003.

**Appropriation:**

State Building Construction Account--State \$225,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$225,000



**NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Right of Way Acquisition (04-2-007)

Appropriation:

Forest Development Account--State \$100,000  
Resource Management Cost Account--State \$400,000  
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Riparian Open Space Program (04-2-023)

The appropriations in this section are subject to the following conditions and limitations:

- (1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.
- (2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.
- (3) The resource management cost account--state appropriation is solely for a riparian inventory system.

Appropriation:

State Building Construction Account--State \$1,000,000  
Resource Management Cost Account--State \$1,500,000  
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Statewide Estuarine Restoration Projects (04-2-021)

Appropriation:

Aquatic Lands Enhancement Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000

**NEW SECTION. Sec. 428. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Wetland Grants (04-2-004)

Appropriation:

General Fund--Federal \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Digitize Geology Library Collections (04-1-950)

Appropriation:

State Building Construction Account--State \$900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$900,000

**NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF AGRICULTURE**  
DEPARTMENT OF AGRICULTURE  
Fair Improvements (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$200,000.

**PART 4**  
**TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**  
WASHINGTON STATE PATROL  
Seattle Toxicology Lab (00-2-009)

Appropriation:

State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$12,059,864  
Future Biennia (Projected Costs) \$1,655,000  
TOTAL \$14,514,864

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**  
Minor Works - Facility Preservation: Fire Training Academy (04-1-001)

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$250,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**  
Spokane Crime Laboratory Construction (02-2-013)

Appropriation:

State Building Construction Account--State \$11,365,000

Prior Biennia (Expenditures) \$635,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$12,000,000

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL**  
Vancouver Crime Lab - Design/Construction (2002-2-010)

Appropriation:

State Building Construction Account--State \$10,000,000

Prior Biennia (Expenditures) \$365,000  
Future Biennia (Projected Costs) \$3,135,000  
TOTAL \$13,500,000

**NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF TRANSPORTATION**  
DEPARTMENT OF TRANSPORTATION  
Columbia River Dredging (03-H-001)

The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:  
State Building Construction Account--State \$17,700,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,700,000

**Sec. 506.** 2003 c 360 (ESHB 1163) s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account) \$2,000,000	
Motor Vehicle Account--State Appropriation \$178,909,000	
Motor Vehicle Account--Federal Appropriation \$457,467,000	
Motor Vehicle Account--Local Appropriation \$12,666,000	
Multimodal Account--State Appropriation ( <del>(\$6,000,000)</del> )	<u>\$1,690,000</u>
Multimodal Account--Federal Appropriation \$4,247,000	
TOTAL APPROPRIATION ( <del>(\$661,289,000)</del> )	<u>\$656,979,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, (~~(\$6,000,000)~~) \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((8))~~ (7) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

**Sec. 507.** 2003 c 360 (ESHB 1163) s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--  
CAPITAL**

Motor Vehicle Account--State Appropriation ( <del>(\$11,688,000)</del> )	<u>\$14,688,000</u>
Motor Vehicle Account--Federal Appropriation \$14,510,000	
<del>((Multimodal Transportation Account--State Appropriation \$3,000,000))</del>	
TOTAL APPROPRIATION \$29,198,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided in this section are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**Sec. 508.** 2003 c 360 (ESHB 1163) s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation \$770,000	
Multimodal Transportation Account--State Appropriation ( <del>(\$35,530,000)</del> )	<u>\$34,530,000</u>
Multimodal Transportation Account--Federal Appropriation \$9,499,000	
Washington Fruit Express Account--State Appropriation \$500,000	
TOTAL APPROPRIATION ( <del>(\$46,299,000)</del> )	<u>\$45,299,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) (~~(\$5,530,000)~~) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) (~~(\$2,000,000)~~) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

**NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF TRANSPORTATION**  
 Port of Everett Satellite Rail Barge Facility (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for a rail barge facility to accommodate very large or oversized cargo to complement the port of Everett's existing deep-water marine terminals.

(2) The appropriation is contingent upon an office of financial management finding that:

(a) This project is a necessary expansion for the port to meet the needs of a tenant employing thousands of Washington residents to expand the tenant's operations and to provide very substantial economic benefits to the region; and

(b) The tenant has committed to performing the manufacturing or other programs that this project will serve in the Puget Sound region.

(3) The department shall report to the house of representatives and senate transportation committees, the house of representatives capital committee and the senate ways and means committee at least ten days prior to the transmittal of any funds authorized under this section.

Appropriation:

Multimodal Account--State \$15,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,500,000.

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION  
STATE BOARD OF EDUCATION**

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State \$27,000,000

Education Construction Account--State \$67,415,000

Subtotal Appropriation \$94,415,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$94,415,000

**NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION  
School Construction Assistance Grants (02-4-001)**

The reappropriations in this section are for project numbers 00-2-001, 00-2-002, and 02-04-001.

Reappropriation:

State Building Construction Account--State \$36,946

Common School Construction Account--State \$246,000,000

Subtotal Reappropriation \$246,036,946

Prior Biennia (Expenditures) \$645,475,724

Future Biennia (Projected Costs) \$0

TOTAL \$891,512,670

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION  
State Bonds for Common School Construction (04-4-950)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building and Construction Account--State \$118,050,000

**NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION  
Resource Efficiency Pilot Project (04-4-851)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards.

(2) Up to \$150,000 of this appropriation shall be used to:

(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;

(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;

(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;

(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

**NEW SECTION. Sec. 605. LEGISLATIVE INTENT.** The legislature reaffirms that provision of facilities for public schools is a partnership between local school districts and the state, and recognizes the importance of safe and well-functioning school facilities in the education of students. The legislature expands on the small step taken in 2001 that increased funding for kindergarten space by increasing the state assistance provided through the school construction grant program for all grade levels in the 2003-05 biennium. In this act, the legislature uses bonds to offset shortfalls in traditional school funding resources and to fund an increase in the formula for providing school construction grants to local districts. The legislature intends to permanently fund the increase in area cost allowance authorized in section 606(3) of this act, and intends to continue to review ways to enhance state assistance for school construction in the future.

**NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION**  
School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

Appropriation:

Common School Construction Account--State \$399,768,513

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,258,456,614

TOTAL \$2,258,225,127

**NEW SECTION. Sec. 607. FOR THE STATE BOARD OF EDUCATION**  
Port Angeles School District North Olympic Skill Center (04-4-852)

The appropriation in this section is subject to the following conditions and limitations: This appropriation completes the state contribution to this project.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$3,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

**NEW SECTION. Sec. 608. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
State School Construction Assistance Program Staff

The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-2-001.

Reappropriation:

Common School Construction Account--State \$100,000

Appropriation:

Common School Construction Account--State \$2,038,390

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,138,390

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND**  
STATE SCHOOL FOR THE BLIND

Ahlsten: Material Center and Braille Production (02-2-003)

Reappropriation:

State Building Construction Account--State \$1,084,179

Prior Biennia (Expenditures) \$1,257,009

Future Biennia (Projected Costs) \$0

TOTAL \$2,341,188

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE BLIND**  
Campus Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$401,426

Prior Biennia (Expenditures) \$198,574

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND**  
Distance Learning Center/Covered Play Area (02-2-004)

Reappropriation:

State Building Construction Account--State \$2,213,226

Prior Biennia (Expenditures) \$575,774

Future Biennia (Projected Costs) \$0

TOTAL \$2,789,000

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND**  
Irwin: Old Main, Kennedy, and Dry Building Preservation (02-1-001)

Reappropriation:

State Building Construction Account--State \$233,555

Prior Biennia (Expenditures) \$1,747,445  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,981,000

**NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE BLIND**  
Boiler House Renovation/Electrical Vault Replacement (04-1-001)

Appropriation:  
State Building Construction Account--State \$668,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$668,000

**NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE BLIND**  
Campus Preservation (04-1-004)

Appropriation:  
State Building Construction Account--State \$770,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$2,830,000  
TOTAL \$3,600,000

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**  
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

Appropriation:  
State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,279,000

**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**  
UNIVERSITY OF WASHINGTON  
UW Law School Building (94-2-017)

Reappropriation:  
Higher Education Construction Account--State \$6,600,000  
Higher Education Non-Proprietary Local Capital Accounts--Private/Local \$3,400,000  
Subtotal Reappropriation \$10,000,000

Prior Biennia (Expenditures) \$64,855,500  
Future Biennia (Projected Costs) \$0  
TOTAL \$74,855,500

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:  
State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$34,635,933  
Future Biennia (Projected Costs) \$0



TOTAL \$37,635,933

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State \$4,450,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,950,000

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**  
UW Emergency Power Expansion - Phase 1 (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$5,300,000

Prior Biennia (Expenditures) \$5,700,000

Future Biennia (Projected Costs) \$0

TOTAL \$11,000,000

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**  
UW Bothell Phase 2B Offramp (02-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**  
UW Life Sciences II Building (02-2-028)

The reappropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Reappropriation:

Higher Education Construction Account--State \$29,025,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$69,025,000

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**  
UW Minor Repairs Programs (02-1-026)

Reappropriation:

State Building Construction Account--State \$520,000

Prior Biennia (Expenditures) \$480,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**  
UW Special Projects - Code Requirements (02-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**  
UW Tacoma Campus Phase 2B (02-2-027)

Reappropriation:

State Building Construction Account--State \$35,000,000

Prior Biennia (Expenditures) \$9,349,000

Future Biennia (Projected Costs) \$0

TOTAL \$44,349,000

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**  
UW Urgent Deferred Renewal/Modernization (02-1-031)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$1,500,000

Education Construction Account--State \$4,000,000

Subtotal Reappropriation \$5,500,000

Prior Biennia (Expenditures) \$4,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,000,000

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 218, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$2,100,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**  
UW Johnson Hall Renovation (04-1-005)

Appropriation:

State Building Construction Account--State \$16,103,000

University of Washington Building Account--State \$15,552,000  
Gardner-Evans Higher Education Construction Account--State \$21,400,000  
Subtotal Appropriation \$53,055,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$53,055,000

**NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON**  
UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,500,000  
University of Washington Building Account--State \$2,448,000  
Subtotal Appropriation \$5,948,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$7,813,164  
TOTAL \$14,161,164

**NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON**  
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,108,000

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**  
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 629 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$10,943,000 of the appropriation may be used for the following design studies and other eligible projects:

(a) Health science H-Wing infrastructure;

(b) Guggenheim hall renovation;

(c) Architecture hall renovation;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$28,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,700,000

TOTAL \$229,300,000

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**  
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works - Program (04-2-004)

Appropriation:

State Building Construction Account--State \$6,500,000

University of Washington Building Account--State \$4,000,000

Subtotal Appropriation \$10,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,975,000

TOTAL \$31,475,000

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**  
UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,000,000

**NEW SECTION. Sec. 634. FOR WASHINGTON STATE UNIVERSITY**  
WASHINGTON STATE UNIVERSITY

WSU Pullman - Murrow Hall Addition: New Facility (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$8,560,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,560,000

**NEW SECTION. Sec. 635. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Education Addition Cleveland Hall (98-2-032)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$11,160,000

Prior Biennia (Expenditures) \$1,290,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,700,000

**NEW SECTION. Sec. 636. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Johnson Hall Addition - Plant Bioscience Building (00-2-007)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State \$1,200,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$14,000,000

State Building Construction Account--State \$5,542,000

Washington State University Building Account--State \$15,658,000

Subtotal Appropriation \$35,200,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$39,000,000

**NEW SECTION. Sec. 637. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Shock Physics Building (00-2-080)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$500,000

Prior Biennia (Expenditures) \$11,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,400,000

**NEW SECTION. Sec. 638. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Engineering and Life Sciences Building (00-2-904)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$26,470,650

Future Biennia (Projected Costs) \$0

TOTAL \$29,470,650

**NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Student Services Center (00-2-905)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$950,000

Prior Biennia (Expenditures) \$605,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,555,000

**NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Capital Preservation/Renewal (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$200,000

Prior Biennia (Expenditures) \$5,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

**NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Minor Capital Safety/Environmental Projects (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$800,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Campus Infrastructure: Preservation (02-1-073)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,000,000

State Building Construction Account--State \$1,600,000

Subtotal Reappropriation \$2,600,000

Prior Biennia (Expenditures) \$9,150,141  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,750,141

**NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Energy Plant (02-1-501)

Reappropriation:

State Building Construction Account--State \$14,500,000

Prior Biennia (Expenditures) \$10,039,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$24,539,000

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**  
WSU Branch Campuses: Minor Campus Projects (02-1-901)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$300,000

Prior Biennia (Expenditures) \$700,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,000,000

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**  
WSU Pullman - Minor Capital Improvements (MCI) (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,300,000

Prior Biennia (Expenditures) \$4,700,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,000,000

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Multimedia/Electronic Communication Classroom Building (02-2-907)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,400,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$15,900,000

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the conditions and limitations in section 219, chapter 238, Laws of 2002.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$2,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Biotechnology/Life Sciences 1 (04-2-085)

Appropriation:

Washington State University Building Account--State \$4,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$45,000,000

TOTAL \$49,500,000

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**

WSU Pullman - Campus Infrastructure (04-1-073)

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,000,000

TOTAL \$15,000,000

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,876,000

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:



(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 650 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$14,615,000 of the appropriation may be used for the following design studies and other eligible projects:

- (a) Holland library renovation;
- (b) Public safety-LARC remodel;
- (c) Nuclear radiation center;
- (d) Avery hall renovation;
- (e) BioMedical science facility;
- (f) Hospital renovation study;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$37,235,000  
Washington State University Building Account--State \$4,765,000  
Subtotal Appropriation \$42,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$259,000,000  
TOTAL \$301,000,000

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Campus Utilities/Infrastructure: Infrastructure (04-2-916)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$14,000,000  
TOTAL \$18,300,000

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**  
WSU TriCities - Bioproducts and Sciences Building (04-2-940)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$900,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$34,349,000  
TOTAL \$35,249,000

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**  
WSU ICN Spokane - Nursing Building at Riverpoint: New Facility (04-2-941)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$31,600,000  
TOTAL \$34,600,000

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**  
WSU Prosser - Multipurpose Building: New Facility (04-2-942)

Appropriation:  
State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY**  
Omnibus Equipment and Program Improvements (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: Except for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year, appropriated funds may be applied to the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university.

Appropriation:  
Washington State University Building Account--State \$4,380,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$10,928,500  
TOTAL \$15,308,500

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:  
State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 658. FOR EASTERN WASHINGTON UNIVERSITY EASTERN**  
WASHINGTON UNIVERSITY EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)

Reappropriation:  
State Building Construction Account--State \$1,675,000

Appropriation:  
Gardner-Evans Higher Education Construction  
Account--State \$19,000,482

Prior Biennia (Expenditures) \$2,225,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$22,900,482

**NEW SECTION. Sec. 659. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State \$730,000  
Appropriation:  
State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$581,000  
Future Biennia (Projected Costs) \$8,480,315  
TOTAL \$15,791,315

**NEW SECTION. Sec. 660. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Campus Network Upgrade (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,500,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 661. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Classroom Renewal (02-2-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$775,000  
Eastern Washington University Capital Projects Account--State \$75,000  
Subtotal Reappropriation \$850,000

Prior Biennia (Expenditures) \$1,516,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,366,000

**NEW SECTION. Sec. 662. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Infrastructure Preservation (02-1-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$3,600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 663. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Roof Replacement (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:  
State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$2,369,000  
Future Biennia (Projected Costs) \$6,000,000

TOTAL \$8,619,000

**NEW SECTION. Sec. 664. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Water System Preservation and Expansion (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,250,000

Prior Biennia (Expenditures) \$986,000  
Future Biennia (Projected Costs) \$7,500,000  
TOTAL \$9,736,000

**NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Minor Works - Preservation (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$600,000  
Eastern Washington University Capital Projects Account--State \$1,250,000  
Subtotal Reappropriation \$1,850,000

Prior Biennia (Expenditures) \$3,150,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,000,000

**NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Minor Works - Program (02-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Eastern Washington University Capital Projects Account--State \$600,000

Prior Biennia (Expenditures) \$1,618,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,218,000

**NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure Savings (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,028,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,028,000

**NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Campus Network Upgrade (04-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to modernize the computing environment supporting student services (enterprise system) during the 2003-05 biennium.

Appropriation:

Eastern Washington University Capital Projects Account--State \$3,875,000

Prior Biennia (Expenditures) \$2,500,000  
Future Biennia (Projected Costs) \$4,000,000  
TOTAL \$10,375,000

**NEW SECTION. Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Classroom Renewal (04-2-013)

Appropriation:

Eastern Washington University Capital Projects Account--State \$691,325

Prior Biennia (Expenditures) \$3,016,000  
Future Biennia (Projected Costs) \$8,200,000  
TOTAL \$11,907,325

**NEW SECTION. Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Infrastructure Preservation (04-1-006)

Appropriation:

State Building Construction Account--State \$1,550,000

Prior Biennia (Expenditures) \$1,300,000  
Future Biennia (Projected Costs) \$12,000,000  
TOTAL \$14,850,000

**NEW SECTION. Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU Minor Works - Program (04-2-017)

Appropriation:

Eastern Washington University Capital Projects Account--State \$650,000

Prior Biennia (Expenditures) \$4,189,000  
Future Biennia (Projected Costs) \$9,000,000  
TOTAL \$13,839,000

**NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,726,000

**NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY**  
Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 672 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$18,500,000  
TOTAL \$22,750,000

**NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY**  
EWU University Visitor Center and Formal Entry (04-2-010)

Appropriation:

Eastern Washington University Capital Projects Account--State \$975,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$975,000

**NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code (04-1-850)

Appropriation:

State Building Construction Account--State \$391,325

Eastern Washington University Capital Projects Account--State \$108,675  
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$2,000,000  
TOTAL \$2,500,000

**NEW SECTION. Sec. 677. FOR CENTRAL WASHINGTON UNIVERSITY CENTRAL WASHINGTON UNIVERSITY Music Education Facility (00-2-001)**

The appropriations in this section are subject to the following conditions and limitations: Allowable expenditure for equipment is limited to \$2,400,000 and does not include moving costs, small musical instruments, vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:  
Education Construction Account--State \$11,350,000

Appropriation:  
Gardner-Evans Higher Education Construction  
Account--State \$12,600,000

Prior Biennia (Expenditures) \$2,650,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$26,600,000

**NEW SECTION. Sec. 678. FOR CENTRAL WASHINGTON UNIVERSITY CWU/Des Moines Higher Education Center (02-2-101)**

Reappropriation:  
State Building Construction Account--State \$2,500,000

Appropriation:  
State Building Construction Account--State \$1,438,000  
Community and Technical College Capital Projects Account--State \$2,962,000  
Central Washington University Capital Projects Account--State \$3,600,000  
Subtotal Appropriation \$8,000,000

Prior Biennia (Expenditures) \$75,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$10,575,000

**NEW SECTION. Sec. 679. FOR CENTRAL WASHINGTON UNIVERSITY McConnell Stage Remodel (02-1-004)**

Reappropriation:  
State Building Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$300,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,100,000

**NEW SECTION. Sec. 680. FOR CENTRAL WASHINGTON UNIVERSITY Omnibus - Preservation (02-1-001)**

Reappropriation:  
Central Washington University Capital Projects Account--State \$130,000

Prior Biennia (Expenditures) \$3,645,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,775,000

**NEW SECTION. Sec. 681. FOR CENTRAL WASHINGTON UNIVERSITY**

Omnibus - Program (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) \$350,000 of this reappropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Central Washington University Capital Projects Account--State \$1,503,000

Prior Biennia (Expenditures) \$2,247,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,750,000

**NEW SECTION. Sec. 682. FOR CENTRAL WASHINGTON UNIVERSITY**  
Randall/Michaelsen Life Safety (02-1-003)

Reappropriation:

Education Construction Account--State \$3,250,000

Prior Biennia (Expenditures) \$550,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,800,000

**NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY**  
Steam/Electric/Chilled Water (98-1-120)

Reappropriation:

Education Construction Account--State \$400,000

Prior Biennia (Expenditures) \$1,600,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (04-2-028)

Appropriation:

Central Washington University Capital Projects Account--State \$2,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$24,347,000  
TOTAL \$26,347,000

**NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.



Appropriation:

Education Construction Account--State \$1,886,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,886,000

**NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY**  
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 685 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$18,500,000  
TOTAL \$22,750,000

**NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY**  
Combined Utility Upgrade (04-1-952)

Appropriation:

State Building Construction Account--State \$5,000,000  
Central Washington University Capital Projects Account--State \$400,000  
Subtotal Appropriation \$5,400,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$36,688,000  
TOTAL \$42,088,000

**NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY**  
CWU/Moses Lake Higher Education Center (04-2-031)

Appropriation:

Central Washington University Capital Projects Account--State \$600,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$600,000

**NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 690. FOR THE EVERGREEN STATE COLLEGE**  
**THE EVERGREEN STATE COLLEGE**

Life Safety/Code Compliance Reappropriation (02-1-013)

Reappropriation:

The Evergreen State College Capital Projects Account--State \$300,000

Prior Biennia (Expenditures) \$2,200,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 691. FOR THE EVERGREEN STATE COLLEGE**  
**Minor Works Preservation Reappropriation (02-1-014)**

Reappropriation:

The Evergreen State College Capital Projects Account--State \$300,000

Prior Biennia (Expenditures) \$1,900,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,200,000

**NEW SECTION. Sec. 692. FOR THE EVERGREEN STATE COLLEGE**  
**Seminar Building Phase II - Construction (02-2-004)**

The appropriations in this section are subject to the following conditions and limitations: The appropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$16,500,000

Appropriation:

The Evergreen State College Capital Projects Account--State \$2,500,000

Prior Biennia (Expenditures) \$24,250,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$43,250,000

**NEW SECTION. Sec. 693. FOR THE EVERGREEN STATE COLLEGE**  
**Daniel J. Evans Building - Modernization (04-2-006)**

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$21,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$22,250,000  
TOTAL \$43,750,000

**NEW SECTION. Sec. 694. FOR THE EVERGREEN STATE COLLEGE**  
**Infrastructure Preservation (04-1-001)**

Appropriation:

State Building Construction Account--State \$1,550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$1,000,000  
TOTAL \$2,550,000

**NEW SECTION. Sec. 695. FOR THE EVERGREEN STATE COLLEGE**  
Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 696. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works - Health, Safety, and Code (04-1-004)

Appropriation:

State Building Construction Account--State \$500,000  
The Evergreen State College Capital Projects Account--State \$2,000,000  
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$11,400,000  
TOTAL \$13,900,000

**NEW SECTION. Sec. 697. FOR THE EVERGREEN STATE COLLEGE**  
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects Account--State \$150,000  
Education Construction Account--State \$584,000  
Subtotal Appropriation \$734,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$734,000

**NEW SECTION. Sec. 698. FOR THE EVERGREEN STATE COLLEGE**  
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 697 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$24,900,000  
TOTAL \$29,150,000

**NEW SECTION. Sec. 699. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works Program (04-2-003)

Appropriation:

The Evergreen State College Capital Projects Account--State \$850,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$7,700,000  
TOTAL \$8,550,000

**NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE**  
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**NEW SECTION. Sec. 701. FOR WESTERN WASHINGTON UNIVERSITY**  
WESTERN WASHINGTON UNIVERSITY  
Campus Infrastructure Development (98-2-024)

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$2,160,000

Prior Biennia (Expenditures) \$13,419,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$16,279,000

**NEW SECTION. Sec. 702. FOR WESTERN WASHINGTON UNIVERSITY**  
Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$22,500,000

Appropriation:

Western Washington University Capital Projects Account--State \$3,920,000

Prior Biennia (Expenditures) \$13,973,400

Future Biennia (Projected Costs) \$0

TOTAL \$40,393,400

**NEW SECTION. Sec. 703. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (02-1-070)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$1,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 704. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Preservation - Safety (02-1-071)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$400,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 705. FOR WESTERN WASHINGTON UNIVERSITY**  
Academic Instructional Center (02-2-026)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$5,618,000

Prior Biennia (Expenditures) \$115,000

Future Biennia (Projected Costs) \$51,438,000

TOTAL \$57,171,000

**NEW SECTION. Sec. 706. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Program (02-2-072)

Reappropriation:

Western Washington University Capital Projects Account--State \$1,800,000

Prior Biennia (Expenditures) \$5,031,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,831,000

**NEW SECTION. Sec. 707. FOR WESTERN WASHINGTON UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the conditions and limitations in section 905, chapter 10, Laws of 2003.
- (2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$3,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,500,000

**NEW SECTION. Sec. 708. FOR WESTERN WASHINGTON UNIVERSITY**  
Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,814,000

**NEW SECTION. Sec. 709. FOR WESTERN WASHINGTON UNIVERSITY**  
Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.
- (2) With this appropriation and that provided in section 708 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.
- (3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.
- (4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.
- (5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.
- (6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$24,900,000  
TOTAL \$29,150,000

**NEW SECTION. Sec. 710. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Health, Safety, and Code (04-1-074)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$4,000,000  
TOTAL \$5,000,000

**NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Infrastructure Preservation (04-1-075)

Appropriation:

State Building Construction Account--State \$1,550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$6,200,000  
TOTAL \$7,750,000

**NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY**  
Campus Roadway Development (04-2-073)

The appropriations in this section are subject to the following conditions and limitations:

(1) The purpose of the appropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Appropriation:

State Building Construction Account--State \$249,000  
Western Washington University Capital Projects Account--State \$80,000  
Subtotal Appropriation \$329,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$329,000

**NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works - Program (04-2-077)

Appropriation:

State Building Construction Account--State \$500,000  
Western Washington University Capital Projects Account--State \$50,000  
Subtotal Appropriation \$550,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$17,925,000  
TOTAL \$18,475,000

**NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY**  
Shannon Point Marine - Undergraduate Center (04-2-059)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The university has independently completed a predesign for this facility. Allotment for construction is contingent upon filing a copy of the predesign with an addendum that discloses federal and grant funding available for construction, equipment, and operating costs for the facility upon occupancy.
- (2) Any further appropriations for equipment or furnishings shall be met with local funds.

Appropriation:

State Building Construction Account--State \$998,329  
Western Washington University Capital Projects Account--State \$4,000,000  
Subtotal Appropriation \$4,998,329

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,998,329

**NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY**  
Planetarium Improvement (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for, and shall be expended as matching funds for the replacement of, the Western Washington University planetarium projector. Western Washington University shall expend at least an equal amount from institutional funds or donated funds received for the same purpose. If an appropriate replacement projector can be obtained for less than \$250,000, the university may reserve any excess funds for future repair, replacement, or operation of the planetarium.

Appropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$125,000

**NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY**  
Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$34,750,000  
TOTAL \$35,000,000

**NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY**  
Infrastructure Savings (04-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1



**NEW SECTION. Sec. 718. FOR THE STATE HISTORICAL SOCIETY**  
STATE HISTORICAL SOCIETY  
Tacoma: State History Museum Preservation (02-1-002)

Reappropriation:  
State Building Construction Account--State \$270,000

Prior Biennia (Expenditures) \$103,016  
Future Biennia (Projected Costs) \$0  
TOTAL \$373,016

**NEW SECTION. Sec. 719. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
WASHINGTON STATE HISTORICAL SOCIETY  
Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county.

Reappropriation:  
State Building Construction Account--State \$1,000,000

Appropriation:  
State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,000,000

**NEW SECTION. Sec. 720. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:  
State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$552,226  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,552,226

**NEW SECTION. Sec. 721. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Olympia-State Capital Museum Preservation Projects (02-1-001)

Reappropriation:  
State Building Construction Account--State \$56,000

Prior Biennia (Expenditures) \$649,397  
Future Biennia (Projected Costs) \$0  
TOTAL \$705,397

**NEW SECTION. Sec. 722. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Tacoma - Stadium Way Research Center Preservation Projects (02-1-004)

Reappropriation:  
State Building Construction Account--State \$68,830

Prior Biennia (Expenditures) \$299,847  
Future Biennia (Projected Costs) \$0  
TOTAL \$368,677

**NEW SECTION. Sec. 723. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Project (02-4-004)

The reappropriation in this section shall support the projects as listed in section 734, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,194,136

Future Biennia (Projected Costs) \$0

TOTAL \$15,694,136

**NEW SECTION. Sec. 724. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Stadium Way Research Center - Code Violation Correction (04-1-003)

Appropriation:

State Building Construction Account--State \$461,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$461,200

**NEW SECTION. Sec. 725. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
State History Museum Preservation (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for paver replacement.

Appropriation:

State Building Construction Account--State \$60,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$60,000

**NEW SECTION. Sec. 726. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Project (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided for the following list of projects:

Project	Amount Recommended
American museum of radio	\$151,799
Bigelow House preservation association	\$33,900
City of Port Angeles	\$112,200
City of Roslyn	\$181,816
City of Sprague	\$98,000
Duwamish tribal service, inc.	\$350,000
Enumclaw plateau historical society	\$54,054
Fort Nisqually living history museum	\$350,000

Gallery one	\$115,500
Georgetown community council	\$50,000
Gig Harbor - peninsula historical society	\$140,000
Historic Seattle PDA	\$350,000
Ilwaco heritage foundation	\$179,400
Jefferson county public works	\$350,000
Lopez Island historical society	\$60,000
Museum of flight	\$350,000
Museum of history and industry	\$350,000
Northwest maritime center	\$350,000
Olympia Waldorf school	\$45,000
Spokane parks and recreation	\$136,000
Spokane symphony	\$56,925
Suquamish museum and tribal cultural center	\$7,000
Vashon parks	\$12,906
World kite museum and hall of fame	\$115,500
Subtotal	\$4,000,000
Alternates	
	\$24,818
Vashon parks	
	\$113,598
Clymer museum	
	\$8,800
San Juan historical museum	
	\$115,500
Jefferson county historical society	
	\$37,835
City of Lynwood	
	\$66,664
City of Mt. Vernon	
	\$115,500
White river valley museum	

Town of La Conner	\$2,376
Subtotal alternates	\$485,091
<b>TOTAL</b>	<b>\$4,485,091</b>

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs) \$0  
**TOTAL \$4,000,000**

**NEW SECTION. Sec. 727. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Spokane Community College - Allied Health Building (98-2-661)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$175,089

Prior Biennia (Expenditures) \$10,861,686  
 Future Biennia (Projected Costs) \$0  
**TOTAL \$11,036,775**

**NEW SECTION. Sec. 728. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Clover Park: Transportation Trade - Construction (96-2-662)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,380,368

Prior Biennia (Expenditures) \$14,665,032  
 Future Biennia (Projected Costs) \$0  
**TOTAL \$18,045,400**

**NEW SECTION. Sec. 729. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Olympic College Poulsbo Center: Construction (96-2-654)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,450,000

Prior Biennia (Expenditures) \$6,596,675  
 Future Biennia (Projected Costs) \$0  
**TOTAL \$13,046,675**

**NEW SECTION. Sec. 730. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
**Bellingham Technical College: Health/Business Building (98-2-672)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,737,347

Prior Biennia (Expenditures) \$5,199,252

Future Biennia (Projected Costs) \$0

TOTAL \$8,936,599

**NEW SECTION. Sec. 731. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Phase 3 - New Facility (98-2-673)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$9,627,984

Prior Biennia (Expenditures) \$7,377,016

Future Biennia (Projected Costs) \$0

TOTAL \$17,005,000

**NEW SECTION. Sec. 732. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Renton Technical College: Technology Resource Center (98-2-674)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,379,770

Prior Biennia (Expenditures) \$8,391,230

Future Biennia (Projected Costs) \$0

TOTAL \$11,771,000

**NEW SECTION. Sec. 733. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley Community College: Whidbey Higher Education Center (98-2-675)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$641,516

Prior Biennia (Expenditures) \$9,278,097

Future Biennia (Projected Costs) \$0

TOTAL \$9,919,613

**NEW SECTION. Sec. 734. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Centralia College: Instructional Building Replacement (99-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$172,934

Prior Biennia (Expenditures) \$14,227,066

Future Biennia (Projected Costs) \$0

TOTAL \$14,400,000

**NEW SECTION. Sec. 735. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: Clark Center at Washington State University Vancouver (00-2-680)

The appropriations in this section are subject to the following conditions and limitations: No money from the appropriations in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,096,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$18,009,800

Prior Biennia (Expenditures) \$668,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,773,800

**NEW SECTION. Sec. 736. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facilities Repairs "A" (00-1-050)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,784,463

Community and Technical College Capital Projects Account--State \$85,847

Subtotal Reappropriation \$1,870,310

Prior Biennia (Expenditures) \$25,529,690

Future Biennia (Projected Costs) \$0

TOTAL \$27,400,000

**NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Drama/Music Class - Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State \$398,031

Prior Biennia (Expenditures) \$3,031,969

Future Biennia (Projected Costs) \$0

TOTAL \$3,430,000

**NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Highline Community College: Higher Ed Center/Childcare (00-2-678)

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$14,654,000

Community and Technical College Capital Projects Account--State \$3,898,000

Subtotal Appropriation \$18,552,000

Prior Biennia (Expenditures) \$1,359,051

Future Biennia (Projected Costs) \$0

TOTAL \$20,897,000

**NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (Minor Improvements) (00-1-130)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,587,700  
Community and Technical College Capital Projects Account--State \$308,506  
Subtotal Reappropriation \$1,896,206

Prior Biennia (Expenditures) \$14,953,794  
Future Biennia (Projected Costs) \$0  
TOTAL \$16,850,000

**NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic College: Physical Plant Building Replacement (00-2-002)

Reappropriation:

Education Construction Account--State \$416,607

Prior Biennia (Expenditures) \$5,698,993  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,115,600

**NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

State Building Construction Account--State \$723,985

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$23,374,774

Prior Biennia (Expenditures) \$1,236,215  
Future Biennia (Projected Costs) \$0  
TOTAL \$25,334,974

**NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Library/Technical Center (00-2-319)

Reappropriation:

State Building Construction Account--State \$215,408

Prior Biennia (Expenditures) \$7,034,592  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,250,000

**NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

Education Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310  
Future Biennia (Projected Costs) \$0  
TOTAL \$19,255,248

**NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Whatcom Community College: Classroom/Lab Building (00-2-677)

Reappropriation:

State Building Construction Account--State \$372,634

Appropriation:

State Building Construction Account--State \$10,932,400

Prior Biennia (Expenditures) \$599,266  
Future Biennia (Projected Costs) \$0  
TOTAL \$11,904,300

**NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Yakima Valley Community College: Higher Education Center (00-2-954)

Reappropriation:

State Building Construction Account--State \$4,214,248

Prior Biennia (Expenditures) \$16,285,752  
Future Biennia (Projected Costs) \$0  
TOTAL \$20,500,000

**NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Science Building (01-2-688)

Appropriation:

Community and Technical College Capital Projects Account--State \$2,396,409

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$27,407,191  
TOTAL \$29,903,600

**NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Science Building (01-2-687)

Appropriation:

State Building Construction Account--State \$2,379,000

Prior Biennia (Expenditures) \$100,000  
Future Biennia (Projected Costs) \$28,929,265  
TOTAL \$31,408,265

**NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Technology Institute Partner College Computer Labs (01-2-689)

The reappropriation in this section is provided to complete construction and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound, as provided in section 824, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$345,722

Prior Biennia (Expenditures) \$1,154,278  
Future Biennia (Projected Costs) \$0  
TOTAL \$1,500,000

**NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bates Technical College: LRC/Vocational (02-2-684)

Appropriation:

State Building Construction Account--State \$1,796,206

Prior Biennia (Expenditures) \$94,346  
Future Biennia (Projected Costs) \$15,168,902  
TOTAL \$17,059,454

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: "A" Building Renovation (02-1-320)



Reappropriation:

State Building Construction Account--State \$5,025,531

Prior Biennia (Expenditures) \$540,569

Future Biennia (Projected Costs) \$0

TOTAL \$5,566,100

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellingham Technical College: Replacement (02-1-239)

Reappropriation:

State Building Construction Account--State \$4,307,533

Prior Biennia (Expenditures) \$50,367

Future Biennia (Projected Costs) \$0

TOTAL \$4,357,900

**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Big Bend Community College: Library Replacement (02-1-232)

Reappropriation:

Education Construction Account--State \$7,128,718

Prior Biennia (Expenditures) \$368,282

Future Biennia (Projected Costs) \$0

TOTAL \$7,497,000

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Centralia Community College Science Building (04-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study for a science building that will address a range of alternatives, meet the needs of project enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The predesign shall be consistent with the college's adopted strategic and facility master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$150,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$150,000

**Sec. 754. 2001 2nd sp.s. c 8 s 817 (uncodified) is amended to read as follows:**  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park - Building 18 Machine Trades: New Facility (02-1-343)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State (~~(\$4,791,800)~~)

\$208,492

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$4,791,800)~~)

\$208,492

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clover Park Technical College: Building 25 Machine Trades (04-1-953)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation results from a transfer of remaining funding from Clover Park Technical College: Building 18 machine trades (02-1-343).

(2) Should any shortfall occur as a result of this scope change, further appropriations as required to complete the project shall be met by the college with local funds. Completion of the project is meant to include building and site development as well as equipment and furnishings. This does not preclude the use of one-time funds provided in section 788 of this act.

Appropriation:

State Building Construction Account--State \$4,583,308

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,583,308

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College: Building "A" Renovation (02-1-333)

Reappropriation:

State Building Construction Account--State \$2,387,456

Prior Biennia (Expenditures) \$4,046,644

Future Biennia (Projected Costs) \$0

TOTAL \$6,434,100

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College: Instructional Lab Building (02-2-685)

Appropriation:

State Building Construction Account--State \$2,939,060

Prior Biennia (Expenditures) \$58,000

Future Biennia (Projected Costs) \$14,491,466

TOTAL \$17,488,526

**NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facility Repairs "A" (02-1-050)

Reappropriation:

Education Construction Account--State \$12,716,919

Prior Biennia (Expenditures) \$8,943,409

Future Biennia (Projected Costs) \$0

TOTAL \$21,660,328

**NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Library Renovation (02-1-311)

Reappropriation:

State Building Construction Account--State \$2,142,150

Prior Biennia (Expenditures) \$2,437,350

Future Biennia (Projected Costs) \$0

TOTAL \$4,579,500

**NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: International Program Replacement (02-1-222)

Reappropriation:

Community and Technical College Capital Projects Account--State \$501,790

Prior Biennia (Expenditures) \$85,280

Future Biennia (Projected Costs) \$0

TOTAL \$587,070

**NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College: Replacement (02-1-240)

Reappropriation:

State Building Construction Account--State \$6,536,746

Prior Biennia (Expenditures) \$378,554

Future Biennia (Projected Costs) \$0

TOTAL \$6,915,300

**NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College: Physical Science Portables Replacement (02-1-226)

Reappropriation:

State Building Construction Account--State \$1,445,865

Prior Biennia (Expenditures) \$513,935

Future Biennia (Projected Costs) \$0

TOTAL \$1,959,800

**NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Preservation (Emergency Funds) (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$5,912,186

Prior Biennia (Expenditures) \$6,087,814

Future Biennia (Projected Costs) \$0

TOTAL \$12,000,000

**NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (02-1-130)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 795(1), chapter 8, Laws of 2001 2nd sp. sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,744,801

Education Construction Account--State \$3,365,870

Subtotal Reappropriation \$11,110,671

Prior Biennia (Expenditures) \$10,156,829

Future Biennia (Projected Costs) \$0

TOTAL \$21,267,500

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula College: Buildings D and E Renovation (02-1-310)

Reappropriation:

State Building Construction Account--State \$2,656,850

Prior Biennia (Expenditures) \$12,950

Future Biennia (Projected Costs) \$0

TOTAL \$2,669,800

**NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Fort Steilacoom: Portables Replacement (02-1-223)

Reappropriation:

State Building Construction Account--State \$2,134,848

Prior Biennia (Expenditures) \$317,252

Future Biennia (Projected Costs) \$0

TOTAL \$2,452,100

**NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Roof Repairs "A" (02-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$4,370,213

Prior Biennia (Expenditures) \$3,102,864

Future Biennia (Projected Costs) \$0

TOTAL \$7,473,077

**NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Edison Hall Renovation (02-1-315)

Reappropriation:

State Building Construction Account--State \$4,705,209

Prior Biennia (Expenditures) \$1,103,991

Future Biennia (Projected Costs) \$0

TOTAL \$5,809,200

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central Community College: Portables Replacement (02-1-215)

Reappropriation:

State Building Construction Account--State \$6,808,687

Prior Biennia (Expenditures) \$88,713

Future Biennia (Projected Costs) \$0

TOTAL \$6,897,400

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Shoreline Community College: Building 800 Renovation (02-1-319)

Reappropriation:

State Building Construction Account--State \$5,858,057

Prior Biennia (Expenditures) \$163,043

Future Biennia (Projected Costs) \$0  
TOTAL \$6,021,100

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (02-1-090)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations: \$200,000 of the reappropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The appropriation must be matched by \$200,000 in additional contributions toward the project from local government.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$89,000  
Education Construction Account--State \$3,852,474  
Subtotal Reappropriation \$3,941,474

Prior Biennia (Expenditures) \$4,601,758  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,543,232

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Office Space Replacement (02-1-213)

Reappropriation:

Community and Technical College Capital Projects Account--State \$752,777

Prior Biennia (Expenditures) \$9,912  
Future Biennia (Projected Costs) \$0  
TOTAL \$762,689

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Family Education/Child Center (02-1-238)

Reappropriation:

State Building Construction Account--State \$6,718,357

Prior Biennia (Expenditures) \$413,643  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,132,000

**NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Building "A" Replacement (02-1-217)

Reappropriation:

State Building Construction Account--State \$5,190,236

Prior Biennia (Expenditures) \$287,164  
Future Biennia (Projected Costs) \$0  
TOTAL \$5,477,400

**NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Falls Community College: Fine Arts Building Replacement (02-1-231)

Reappropriation:

Community and Technical College Capital Projects Account--State \$672,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$672,000

**NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Falls Community College: Library Renovation (02-1-331)

Reappropriation:

State Building Construction Account--State \$5,269,005

Prior Biennia (Expenditures) \$332,995

Future Biennia (Projected Costs) \$0

TOTAL \$5,602,000

**NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State \$534,671

Appropriation:

State Building Construction Account--State \$14,531,900

Prior Biennia (Expenditures) \$663,429

Future Biennia (Projected Costs) \$0

TOTAL \$15,730,000

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Portable Buildings Replacement (02-1-236)

Reappropriation:

Education Construction Account--State \$3,437,867

Prior Biennia (Expenditures) \$19,133

Future Biennia (Projected Costs) \$0

TOTAL \$3,457,000

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$573,000

Prior Biennia (Expenditures) \$36,300

Future Biennia (Projected Costs) \$5,431,700

TOTAL \$6,041,000

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Parent/Child Center Replacement (02-1-234)

Reappropriation:

Community and Technical College Capital Projects Account--State \$222,907

Prior Biennia (Expenditures) \$168,323

Future Biennia (Projected Costs) \$0

TOTAL \$391,230

**NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Wenatchee Valley College: Greenhouse Replacement (02-1-220)

Reappropriation:

Education Construction Account--State \$441,360

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$441,360

**NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$865,437  
Education Construction Account--State \$10,209,178  
Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560  
Future Biennia (Projected Costs) \$0  
TOTAL \$26,600,175

**NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College/University of Washington Bothell - State Route 522 Access (02-2-999)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000

Prior Biennia (Expenditures) \$110,000  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,500,000

**NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects Account--State \$82,800

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$10,752,500  
TOTAL \$10,835,300

**NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Spokane Community College: Science Building Replacement (04-1-212)

Appropriation:

State Building Construction Account--State \$15,721,600

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$15,721,600

**NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$14,357,000  
TOTAL \$16,838,000

**NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

Appropriation:

State Building Construction Account--State \$1,827,799

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$16,645,515  
TOTAL \$18,473,314

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bates-Clover Park Equipment Improvements (04-2-950)

Appropriation:

Community and Technical College Capital Projects Account--State \$3,000,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,000,000

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: "D" Building Renovation (04-1-308)

Appropriation:

State Building Construction Account--State \$11,418,700  
Community and Technical College Capital Projects Account--State \$2,000,000  
Subtotal Appropriation \$13,418,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$13,418,700

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: Science and Technology (04-2-690)

The appropriation in this section is subject to the following conditions and limitations: The purpose of the appropriation is to conduct a predesign study of alternatives for a replacement building in compliance with adopted master and strategic plans and which additionally addresses projected enrollment demands, operating budget impacts, options for reduction of parking needs, and cost effective ways to meet new local environmental regulations.

Appropriation:

Community and Technical College Capital Projects Account--State \$90,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$28,315,700  
TOTAL \$28,405,700

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)



The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to conduct a predesign study of alternatives for a building to house new programs that integrate arts and languages with technology, media, and business programs.
- (2) The predesign shall be consistent with the college's adopted strategic plan and colocated campus master plan and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.
- (3) The college shall coordinate planning efforts with the University of Washington, Bothell and address the timing of construction of the south campus access in the predesign.
- (4) Any necessary modifications to the colocated campus master plan should result in an addendum to the campus master plan to be submitted for review by the office of financial management and the legislative fiscal committees.

Appropriation:

Community and Technical College Capital Projects Account--State \$159,900

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$35,673,200  
TOTAL \$35,833,100

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Renovation - Applied Arts 5 (04-1-303)

Appropriation:

State Building Construction Account--State \$3,872,413

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,872,413

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: Stout Hall (04-1-203)

Appropriation:

State Building Construction Account--State \$4,049,889

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,049,889

**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Clark College: East County Satellite (04-1-689)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential satellite campus.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$29,191,800  
TOTAL \$29,491,800

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College: Renovation - "T" Building (04-1-307)

Appropriation:

State Building Construction Account--State \$6,058,500

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$6,058,500

**NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Appropriation:  
State Building Construction Account--State \$8,827,030

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$8,827,030

**NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Pilchuck/Glacier (04-1-205)

Appropriation:  
State Building Construction Account--State \$1,311,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$14,633,300  
TOTAL \$15,945,000

**NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Renovation - Monte Cristo Hall (04-1-305)

Appropriation:  
State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,352,000

**NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:  
Education Construction Account--State \$17,754,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$17,754,000

**NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 799 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at the state board's discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$27,917,000 of the appropriation may be used for the following design studies and other eligible projects:

- (a) Pierce-Ft. Steilacoom Health Science center;
- (b) Highline childcare center (replaces portables);
- (c) Yakima classroom replacement (Anton/Glenn);
- (d) Olympic Science and Technology replacement;
- (e) South Seattle replacement portables;
- (f) Seattle Central-Broadway Edison (student services);

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$3,215,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$64,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$229,700,000

TOTAL \$294,000,000

**NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,371,700

TOTAL \$17,635,000

**NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Everett Community College: Undergraduate Education Center (04-2-692)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential undergraduate education center to meet the projected enrollment demands of academic transfer students.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects  
Account--State \$126,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$29,601,000

TOTAL \$29,727,000

**NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State \$356,193

Appropriation:

State Building Construction Account--State \$10,984,800

Prior Biennia (Expenditures) \$658,507

Future Biennia (Projected Costs) \$0

TOTAL \$11,999,500

**NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Appropriation:

State Building Construction Account--State \$4,420,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,420,800

**NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Minor Works - Program (Minor Improvements) (04-2-130)

Appropriation:

Community and Technical College Capital Projects Account--State \$14,979,217

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$54,979,217

**NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
North Seattle Community College: Arts and Science Renovation (04-1-309)

Appropriation:

State Building Construction Account--State \$6,785,700

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,785,700

**NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Olympic College: Science and Technology Building Replacement (04-1-202)

The appropriation in this section is subject to the following conditions and limitations: Additional support for this project is provided by the appropriation in section 800 of this act.

Appropriation:

State Building Construction Account--State \$10,998,000

Community and Technical College Capital Projects Account--State \$3,000,000

Subtotal Appropriation \$13,998,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$13,998,000

**NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to purchase property for expansion, storm water retention and parking requirements.
- (2) State funds must be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Puyallup: Community Arts/Allied Health (04-1-691)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential building to accommodate increased capacity in professional and technical programs.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects Account--State \$150,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$24,797,400  
TOTAL \$24,947,400

**NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College-Ft. Steilacoom: Science and Technology (04-1-694)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.
- (2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects Account--State \$190,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$29,060,400  
TOTAL \$29,250,400

**NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Bellevue Community College: NWCET Expansion (04-2-402)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.
- (2) State funds will be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Pierce College Fort Steilacoom: Childcare Center (04-2-401)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.
- (2) State funds must be matched with nonstate resources in the amount of \$2,250,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Peninsula College: Community Resource Center (04-2-406)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to construct a 4,800 square foot facility housing instructional space for the college as well as other space used in a collaborative manner by the school districts and economic development council as a community resource center.
- (2) State funds will be matched with nonstate resources of at least \$500,000.
- (3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects Account--State \$500,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$500,000

**NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Renton Technical College: Portable Replacement (04-1-215)

Appropriation:

State Building Construction Account--State \$419,300

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$2,630,300  
TOTAL \$3,049,600

**NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Roof Repairs "A" (04-1-010)

Appropriation:

State Building Construction Account--State \$7,265,677

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$20,000,000  
TOTAL \$27,265,677

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an information technology program. The space for the program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,976,200

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Site Repairs "A" (04-1-090)

Appropriation:

State Building Construction Account--State \$5,305,624

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,305,624

**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Skagit Valley College: Science Building Replacement (04-1-209)

The appropriation in this section is subject to the following conditions and limitations:

(1) The college shall complete a predesign for a science building that will address a range of alternatives, meet the needs of projected enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The appropriation shall be used to complete predesign, amend master plan documents, and complete infrastructure planning so that the proposed project is consistent with the college's strategic plan and facilities master plan.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State \$713,759

Appropriation:

State Building Construction Account--State \$17,236,600

Prior Biennia (Expenditures) \$910,641

Future Biennia (Projected Costs) \$0

TOTAL \$18,861,000

**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)

Appropriation:

Community and Technical College Capital Projects Account--State \$2,613,100

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,613,100

**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the design and construction of, and equipment for, an extensive renovation of an instructional building and its systems.
- (2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.
- (3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$4,988,000

**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Appropriation:

State Building Construction Account--State \$2,622,000

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$2,622,000

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Walla Walla Community College: Health Science Facility (04-1-211)

Appropriation:

Community and Technical College Capital Projects Account--State \$7,261,400

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$7,261,400

**NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
South Puget Sound Community College: Science Complex (04-2-695)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The purpose of the appropriation is to conduct a predesign study of alternatives for additional natural science laboratory and classroom space in compliance with adopted master and strategic plans.
- (2) The predesign shall additionally address projected enrollment demands, operating budget impacts, options for reduction of parking needs and cost-effective ways to meet local environmental regulations.

Appropriation:

Community and Technical College Capital Projects Account--State \$93,200

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$26,040,326



TOTAL \$26,133,526

**NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Yakima Valley Community College: Renovation - Sundquist Annex (04-1-302)

Appropriation:

State Building Construction Account--State \$3,852,700

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$3,852,700

**NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$0  
TOTAL \$1

**PART 6**  
**MISCELLANEOUS**

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,827,417 during the 2003-2005 fiscal period; \$111,194,423 during the 2005-2007 fiscal period; \$155,435,444 during the 2007-2009 fiscal period; \$155,435,444 during the 2009-2011 fiscal period; and \$155,435,444 during the 2011-2013 period.

**NEW SECTION. Sec. 902.** Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 903.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 904.** Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis

of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905.** To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management. Minor works appropriations shall not be used for studies unless expressly authorized elsewhere in this act. The office of financial management shall forward copies of these project lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

**NEW SECTION. Sec. 906.** (1) The legislature expects projects to be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2005: (a) A listing of reappropriations in the governor's 2005-2007 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

**NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

(f) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately twenty-five acres of land for a permanent Hawks Prairie campus.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

**NEW SECTION. Sec. 908. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.** (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2003-2005 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art.

**NEW SECTION. Sec. 909.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2005-07 biennium and the following four biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

**NEW SECTION. Sec. 910.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2003, from the 2001-2003 biennial appropriations for each project.

**NEW SECTION. Sec. 911.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 912.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

**NEW SECTION. Sec. 913.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 914.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 915.** (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 916.** NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 917.** The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

**Sec. 918.** RCW 43.135.045 and 2002 c 33 s 2 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter. However, during the 2001-2003 biennium, the legislature may transfer moneys from the emergency reserve fund to the general fund only with approval of a majority of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in

this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

**Sec. 919.** RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

**Sec. 920.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in (d)(ii) and (iii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 921.** RCW 43.88.032 and 1997 c 96 s 5 are each amended to read as follows:

(1) Normal maintenance costs, except for funds appropriated for facility preservation of state institutions of higher education, shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

**NEW SECTION. Sec. 922.** The University of Washington shall develop a ten year program for the eventual relocation of the residents of the floating homes located at 1409 NE Boat street. After meeting and negotiating with the affected residents, the University of Washington shall develop a report to the legislature. The report, giving the various options for achieving relocation, shall be submitted no later than January 15, 2004, to the senate ways and means committee and the house of representatives capital budget committee. Relocation may include the purchase and rental back of existing homes through reverse declining purchase agreements, the physical relocation of the floating homes to other locations, the creation of a buy-back fund, the relocation of residents in concert with the purchase of the existing residences, or other creative real estate transactions that achieve the relocation of the existing residents or floating homes.

**NEW SECTION. Sec. 923.** (1) The joint legislative audit and review committee shall conduct a performance audit of state capital planning, design, and construction processes. In conducting this study, the committee shall select a sample of major capital projects from the 1995-97 through the 2003-05 biennia in higher education, corrections, social and health services, and other state agencies. Capital projects selected for this sample shall accommodate regional differences within the state. The committee shall consider the following topics in conducting this performance audit:

(a) Agency development, evaluation, and justification of the cost drivers and cost elements associated with each of the major phases of a capital project: General or master planning, predesign, design, construction, and postconstruction review;

(b) Evaluation of the management and fiscal controls surrounding agency capital project decision making and implementation processes, such as policy goals, planning procedures, budget limits, cost and performance standards, criteria for selecting project priorities, written instructions, review processes, as well as management, oversight, reporting, and accountability systems;

(c) Processes and standards for cost-effective and efficient design and construction contracting, management, oversight, and review;

(d) Assignment of agency staff and administrative costs to major capital construction projects and the relationship of such agency costs to project delivery;

(e) Extent of the practice of including equipment as part of the basic capital project costs, and how equipment costs are estimated and evaluated for inclusion in projects; and

(f) Comparison of costs to public and private sector benchmarks, when available and where appropriate, in establishing cost parameters for state capital construction projects.

(2) To the extent resources permit, the audit shall include a review of public works projects utilizing the general contractor/construction manager procedure. This may include: An inventory of the state agencies and local jurisdictions that have used the general contractor/construction manager procedure, including the number, size, type, and cost of public works projects built or being built using the procedure; an examination of the ways the general contractor/construction manager procedure may affect public benefits and costs associated with public works projects; and, if feasible, based on a sample of public works projects built after June 9, 1994, an analysis of the costs and benefits of using the general contractor/construction manager procedure as opposed to other public works contracting procedures.

(3) State agencies, including state public higher education institutions, shall provide any requested information concerning the planning, selection, design, contracting, implementation, management, costs, performance, and outcomes of projects to the joint legislative audit and review committee in a timely manner, including relevant proprietary information that may be associated with individual firms. However, any proprietary information provided to the committee for this performance audit shall be deemed confidential and shall not be subject to public disclosure.

(4) In conducting this performance audit, the committee shall work closely with the appropriate legislative fiscal committees and shall consult with the office of financial management, the department of general administration, the department of corrections, the department of social and health services, the higher education coordinating board, the state board for community and technical colleges, individual higher education institutions, and other agencies as appropriate. The committee may contract for consulting services in conducting this performance audit. In its final report, the committee shall make recommendations as appropriate. The committee shall provide a progress report to the appropriate legislative committees by January 9, 2004, and a final report by January 8, 2005.

**NEW SECTION. Sec. 924.** The joint legislative audit and review committee, in collaboration with the legislative evaluation and accountability program, shall accomplish the following higher education comparable framework tasks and projects during the 2003-05 biennium:

(1) Fill in comparable framework gaps related to infrastructure.

(a) Develop inventory and condition protocols/standards;

(b) Develop infrastructure cost factors;

(c) Facilitate institution data collection and reporting;

(d) Field-verify data on a sample basis;

(e) Develop translation protocols;

(f) Translate data and populate comparable framework.

(2) Explore the feasibility of including dates of renewal and replacement of major building systems in the comparable framework.

(a) Develop protocols/standards;

(b) Facilitate institution data collection and reporting;

(c) Field-verify data on a sample basis;

(d) Develop translation protocols;

(e) Translate data and populate comparable framework.

(3) Explore how the comparable framework could be expanded to facility modernization.

(a) Analyze the feasibility of and approaches to quantifying modernization backlogs across institutions;

(b) Describe current modernization rating processes used by individual institutions including how they fit into master plans, program delivery choices, and other manifestations related to the development of requests for capital support from the state;

(c) Explore models used in other government sectors;

(d) Assess benefits and costs of potential approaches.

(4) Explore how to integrate the comparable framework with governmental accounting standards for accountability related to the efficiency and effectiveness of managing public assets.

(5) Revise and update the comparable framework data base.

(a) Modify and/or develop, as needed, tables, queries, and reports;

(b) Develop reporting capabilities to share data with other legislative agencies, the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and state institutions of higher education.

In executing these tasks, the joint legislative audit and review committee shall seek technical advice and input from stakeholder groups including but not limited to the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and the council of presidents.



As a general condition upon appropriations provided to higher education institutions in part five of this act, higher education institutions, the higher education coordinating board, the office of financial management, and the state board for community and technical colleges shall provide any requested information to the joint legislative audit and review committee in a timely manner to enable its completion of the above tasks and projects so assigned.

**NEW SECTION. Sec. 925.** (1) In concert with a commitment to increase higher education funding levels significantly above historic levels in this biennium and the following two biennia for primarily access-related projects, the legislature is directing a substantial share of state capital resources to reduce the backlog in facility preservation, focusing on the worst and most critical facilities first. The first commitment is dependent on the latter. To that end and through this act, the legislature begins to address findings and recommendations from the higher education preservation study by the joint legislative audit and review committee, report 03-1, by taking the following actions:

(a) The 2003 legislature affirms that proactive and ongoing facility maintenance, properly supported, can prevent and mitigate preservation backlogs and maximize the useful life of physical assets supported by, used by, and beneficial to state taxpayers. As a step toward that end, the legislature appropriates in this act a portion of the facilities operating and maintenance costs for building maintenance traditionally appropriated in the omnibus operating budget. This is done in "preventative facility maintenance and building system repairs" sections for each four-year institution and the community and technical college system.

(b) The 2003 legislature affirms the importance of reducing the significant higher education preservation backlog, of instilling a greater sense of stewardship regarding these important state assets, and of preventing the current backlog from reoccurring. The legislature recognizes that the preservation backlog took many years to develop and will take several years to address. The legislature intends that each higher education institution and the community and technical college system stabilize and improve the average facility condition index as compared to levels reported by the higher education preservation study in January 2003.

(c) The 2003 legislature affirms the importance of continuing to address these preservation issues, including developing a comparable framework. Section 924 of this act (JLARC work) is intended to build a foundation for capital budget policy and funding deliberations in the 2005-07 biennium, and beyond.

(2) The emphasis on higher education facility preservation described in subsections (1)(a) and (b) of this section provide extra resources for projects that traditionally fall into minor works categories for "preservation" and "health/safety/code requirements" but not to the exclusion of providing state capital funds for minor works "program" and "infrastructure preservation" projects, separately appropriated. The legislature intends to review infrastructure needs for college and university campuses comprehensively, with the assistance of the joint legislative audit and review committee, the office of financial management, and stakeholder institutions and boards during the interim leading up to the 2005-07 biennium. Until comprehensive, comparable data is collected to inform deliberations, higher education institutions may find it necessary to use local, nonappropriated resources to augment 2003-05 biennial funds given the legislature's intent and focus in this act on the deferred renewal needs of aging college facilities. Nonappropriated resources should be used to help meet preservation needs in the spirit of recommendation 3 from the joint legislative audit and review committee's report 03-1.

(3) For projects that address significant preservation needs through major renovations or replacement facilities and that also enhance access by maintaining or improving the usefulness of existing space for important programs, the Gardner-Evans initiative may be appropriate to help fund these projects.

(4) For the purposes of this section and sections that specifically refer to this section by number, the following definitions apply unless the context clearly requires otherwise:

(a) "Auxiliary programs" in the context of higher education means those that are secondary to the missions of state institutions and, being enterprise in character, draw supporting revenue from user fees and charges. Examples include housing and dining; food services; vehicular parking; infirmaries; hospitals; recreation and student-activity centers; campus stores retailing textbooks, supplies, clothing, and objects bearing institutional logos or emblems; and media reproduction centers, among others.

(b) "Average facility condition index" means the index developed in the joint legislative audit and review committee's report number 03-1.

(c) "Comparable framework" means methods and systems to collect, crosswalk, calibrate, verify on a sample basis, and assemble facilities information produced and maintained by institutions of higher education and other state agencies into a data framework that can be used to understand and budget for state and mixed facilities.

(d) "Educational and general programs" in the context of higher education means those that support the primary missions of state institutions: Student instruction, faculty research, and educational public service.

(e) "Facility rating" is a score that reflects an individual building's ability to support its current use as measured against one out of five condition classes as follows:

(i) "One" or "superior" means a building with major systems that are in extremely good condition and functioning well;

(ii) "Two" or "adequate" means a building with major systems in good condition, functioning adequately, and within their expected life cycles;

(iii) "Three" or "fair" means a building with some older major systems that, though still functional, are approaching the end of their expected life cycles;

(iv) "Four" or "limited functionality" means a building with some major systems that are in poor condition, exceed expected life cycles, and require immediate attention to prevent or mitigate impacts on function;

(v) "Five" or "marginal functionality" means a building with some major systems that are failing and significantly restrict continued use of the building.

(f) "Gardner-Evans initiative" means the bonds authorized in chapter . . . (Substitute Senate Bill No. 5908), Laws of 2003.

(g) "Major building system" refers to foundations, building structure, roofs, interior construction and finishes, heating, ventilation, and air conditioning systems, electrical systems, plumbing, and other components necessary for safe and normal plant operation.

(h) "Mixed facilities" in the context of higher education means a state-owned building structure where education and general and auxiliary programs are jointly housed, and includes infrastructure necessary for safe and normal operations by its occupants.

(i) "Preservation" means routine and preventive inspection, mechanical adjustments, and minor work to replace or repair systems, surfaces, or materials undertaken to maintain a building and its existing, internal infrastructure for current use by current occupants.

(j) "State facilities" in the context of higher education means a state-owned building structure exclusively housing educational and general programs, and includes infrastructure necessary for safe and normal operation by its occupants.

(k) "Stewardship" means the collective action undertaken with appropriated and nonappropriated funds by institutional authorities to keep facilities in safe and functional condition for occupants, without deterioration for lack of attention or resources, that optimize the useful life of installed building systems and material construction, given advancing age.

**Sec. 926.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or predation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Proprietary information deemed confidential for the purposes of section 923 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 927.** Sections 918 through 921, 926, and 929 of this act expire June 30, 2005.

**NEW SECTION. Sec. 928.** A new section is added to chapter 43.63A RCW to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection (4) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section using objective criteria developed by the department in conjunction with the airport impact mitigation advisory board. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.

(4) The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

(5) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

**Sec. 929.** RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

(1) Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as (~~herein~~) provided in this section. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas(~~(= PROVIDED, That))~~). However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

(2) Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land(~~(= PROVIDED, That))~~). However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land(~~(= PROVIDED FURTHER, That))~~). The net income from such leases shall be deposited in the state parks renewal and stewardship account.

(3) For the 2003-05 fiscal biennium, at the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park

purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park and that if the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this subsection reverts to the state parks and recreation commission.

**NEW SECTION. Sec. 930.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 931.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 919 of this act which takes effect June 30, 2003.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 46.09.170, 43.88.032, and 79A.05.630; amending 2001 2nd sp.s. c 8 ss 209 and 817 (uncodified); amending 2003 c 360 (ESHB 1163) ss 306, 307, and 309 (uncodified); reenacting and amending RCW 43.135.045 and 42.17.310; adding a new section to chapter 43.63A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

There being no objection, the House adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5401, and advanced the bill to final passage as recommended by the Conference Committee.

#### **FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Dunshee and Alexander spoke in favor of final passage of the bill as recommended by the Conference Committee.

#### **COLLOQUY**

Representative Priest: "Will Section 922 of Substitute Senate Bill No. 5401 as recommended by the Conference Committee create any new legal requirement or financial obligation for the University of Washington or Washington taxpayers?"

Representative Murray: "No. The intent of this section is to identify all of the options available to the University of Washington and the houseboat owners and to encourage the parties to get together and find a mutually agreed upon solution to the issue."

#### **MOTION**

On motion of Representative Clements, Representative Jarrett was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5401 as recommended by the Conference Committee.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5401, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest,

Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Crouse, Nixon and Schindler - 3.

Excused: Representatives Jarrett and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5401, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE SENATE BILL NO. 5401.

DAN ROACH, 31<sup>ST</sup> District

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

### SECOND READING

**HOUSE BILL NO. 1288, By Representatives Dunshee and Alexander; by request of Office of Financial Management**

#### **Issuing general obligation bonds.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1288 was substituted for House Bill No. 1288 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1288 was read the second time.

Representative Dunshee moved the adoption of amendment (580):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 2003-2005 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred twelve million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 2.** The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) One billion fifty-one million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by RCW 79A.25.060;

(3) Twenty-two million five hundred thousand dollars to the habitat conservation account created by RCW 79A.15.020;

(4) Eighty million dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary to issue more than the amount specified in this subsection (4) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.



These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. **Sec. 3.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), and (4) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2 (1), (2), (3), and (4) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (1), (2), (3), and (4) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. **Sec. 4.** (1) Bonds issued under sections 1 through 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 5.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and declaring an emergency."

Representatives Dunshee and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1288.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1288 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Boldt, Crouse, McMahan, Mielke, Nixon and Schindler - 6.

Excused: Representatives Jarrett, and Roach - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288.

DAN ROACH, 31<sup>st</sup> District

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

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1013, By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)**

**Requiring a performance audit of the utilities and transportation commission.**

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1013.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1013 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Jarrett and Roach - 2.

SUBSTITUTE HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., June 6, 2003, the 26<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
***JOURNAL OF THE HOUSE***

***TWENTY FIFTH DAY, JUNE 5, 2003***

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

—————  
TWENTY SIX DAY  
—————

House Chamber, Olympia, Friday, June 6, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bob Pearsall and Jim Lindsey. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Deb Wallace.

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

**MESSAGES FROM THE SENATE**

June 5, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6087,  
SENATE BILL NO. 6092,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2269,  
HOUSE BILL NO. 2285,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5401, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 6, 2003

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5401, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 6, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 6088, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 6, 2003

Mr. Speaker:

The President has signed ENGROSSED SENATE BILL NO. 5463, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6084, and the same is herewith transmitted.

Milt H. Doumit, Secretary

June 5, 2003

Mr. Speaker:

The Senate has passed:  
and the same are herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,  
HOUSE BILL NO. 2242,

Milt H. Doumit, Secretary

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,  
HOUSE BILL NO. 2242,  
ENGROSSED HOUSE BILL NO. 2269,  
HOUSE BILL NO. 2285,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5401,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5404,  
ENGROSSED SENATE BILL NO. 5463,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6088,

#### **INTRODUCTION & FIRST READING**

ESSB 5908 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)

AN ACT Relating to capital construction of and bonding for facilities for institutions of higher education; and adding a new chapter to Title 28B RCW.

ESB 6084 by Senators Esser, Reardon, Rossi, Prentice, Horn, Fairley and Finkbeiner

AN ACT Relating to utility relocation costs; and adding a new section to chapter 81.112 RCW.

SB 6087 by Senator Rossi

AN ACT Relating to transferring funds to the site closure account; and amending RCW 43.200.080 and 70.98.098.

SB 6092 by Senators Zarelli, Rossi, Johnson, McAuliffe and Roach

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5908 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, ENGROSSED SENATE BILL NO. 6084 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, SENATE BILL NO. 6087 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, SENATE BILL NO. 6092 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

The Speaker called upon Representative Lovick to preside.

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

## **SECOND READING**

**HOUSE BILL NO. 2252, By Representatives Sommers, Fromhold and Moeller**

**Revising eligibility requirements for general assistance.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Sommers spoke in favor of passage of the bill.

## **MOTION**

On motion of Representative Clements, Representatives Boldt, Roach, Schoesler and Skinner were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2252.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2252 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Simpson - 1.

Excused: Representatives Boldt, Roach, Schoesler and Skinner - 4.

HOUSE BILL NO. 2252, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on HOUSE BILL NO. 2252.

DAN ROACH, 31<sup>st</sup> District

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, By Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)**

**Enacting the building Washington's future act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5908

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5908 and the bill passed the House by the following vote: Yeas - 86, Nays - 8, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Buck, Crouse, Holmquist, McMahan, Mielke, Nixon, Schindler and Sump - 8.

Excused: Representatives Boldt, Roach, Schoesler and Skinner - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5908.

DAN ROACH, 31<sup>st</sup> District

#### **SENATE BILL NO. 6087, By Senator Rossi**

##### **Transferring funds to the site closure account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

Representatives Delvin and Chase spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6087.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6087 and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dunshee, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Lovick, McCoy, McDermott, McDonald, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Chase, Cooper, Cox, Crouse, Delvin, Dickerson, Edwards, Eickmeyer, Hankins, Hinkle, Holmquist, Kenney, Linville, Mastin, McIntire, McMahan, Mielke, Moeller, Orcutt, Romero, Schindler, Simpson, Upthegrove and Veloria - 24.

Excused: Representatives Boldt, Roach, Schoesler and Skinner - 4.

SENATE BILL NO. 6087, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SENATE BILL NO. 6087.

DAN ROACH, 31<sup>st</sup> District

#### **SENATE BILL NO. 6092, By Senators Zarelli, Rossi, Johnson, McAuliffe and Roach**

##### **Including a classified employee on the Washington professional educator standards board.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Quall spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6092.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6092 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Roach, Schoesler and Skinner - 4.

SENATE BILL NO. 6092, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SENATE BILL NO. 6092.

DAN ROACH, 31<sup>st</sup> District

### SENATE AMENDMENTS TO HOUSE BILL

June 5, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2266, with the following amendment:

Beginning on page 2, line 31, strike all material through "51.32 RCW." on page 3, line 11, and insert the following:

"(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature (~~and which has~~); or

(ii) The employee has been called to service in the uniformed services;

(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

~~((b))~~ (c) The employee's absence and the use of shared leave are justified;

~~((c))~~ (d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection; or

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under

(a)(ii) of this subsection;

~~((d))~~ (e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

~~((e))~~ (f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection."

On page 5, after line 25, insert the following:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "sharing;" strike the remainder of the title and insert "amending RCW 41.04.655, 41.04.660, and 41.04.665; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2266 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2266 as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2266, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Boldt, Roach, Schoesler and Skinner - 4.

HOUSE BILL NO. 2266, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on HOUSE BILL NO. 2266.

DAN ROACH, 31<sup>st</sup> District

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

There being no objection, the House adjourned until 10:00 a.m., June 9, 2003, the 29<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

**JOURNAL OF THE HOUSE**

**TWENTY SIXTH DAY, JUNE 6, 2003**

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

TWENTY NINTH DAY

---

House Chamber, Olympia, Monday, June 9, 2003

The House was called to order at 10:00 a.m. by The Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard Doug Follett and Bob Gorski. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Toby Nixon.

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

**MESSAGE FROM THE SENATE**

June 9, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,  
HOUSE BILL NO. 2242,  
ENGROSSED HOUSE BILL NO. 2269,  
HOUSE BILL NO. 2285,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

**SECOND READING**

**SENATE BILL NO. 6059, By Senator Oke; by request of Office of Financial Management**

**Modifying teacher cost-of-living provisions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

Representative Moeller spoke against the passage of the bill.

MOTIONS

On motion of Representative Santos, Representative Gombosky was excused. On motion of Representative Clements, Representatives Boldt, Mastin, Roach, Schoesler and Talcott were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6059.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6059 and the bill passed the House by the following vote: Yeas - 59, Nays - 33, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Buck, Chandler, Clements, Clibborn, Cody, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Lantz, Linville, Lovick, McDermott, McIntire, McMorris, Mielke, Morris, Newhouse, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Santos, Schindler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sump, Tom, Wallace, Wood and Woods - 59.

Voting nay: Representatives Armstrong, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Condotta, Conway, Cooper, Delvin, Ericksen, Flannigan, Haigh, Hudgins, Kenney, Kirby, McCoy, McDonald, McMahan, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Romero, Ruderman, Simpson, Sullivan, Upthegrove, Veloria and Mr. Speaker - 33.

Excused: Representatives Boldt, Gombosky, Mastin, Roach, Schoesler and Talcott - 6.

SENATE BILL NO. 6059, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SENATE BILL NO. 6059.

WILLIAM EICKMEYER, 35<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on SENATE BILL NO. 6059.

PHYLLIS KENNEY, 46<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on SENATE BILL NO. 6059.

DAN ROACH, 31<sup>st</sup> District

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

There being no objection, the House adjourned until 10:00 a.m., June 10, 2003, the 30<sup>th</sup> Day of the First Special Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

### ***JOURNAL OF THE HOUSE***

***TWENTY NINTH DAY, JUNE 9, 2003***

---

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

**FIFTY EIGHTH LEGISLATURE - FIRST SPECIAL SESSION**

---

---

THIRTIETH DAY

---

---

House Chamber, Olympia, Tuesday, June 10, 2003

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Comil Padayao and Bill Baxter. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Lynn Kessler.

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

**MESSAGES FROM THE SENATE**

June 9, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,  
SENATE BILL NO. 6087,  
SENATE BILL NO. 6092,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 9, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 6059, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**INTRODUCTION & FIRST READING**

HB 2294 By Representatives Pettigrew, Priest, Morris and Hinkle; by request of Governor Locke

AN ACT Relating to retaining and attracting the aerospace industry to Washington state; amending RCW 82.04.260, 82.04.260, 82.04.270, and 82.04.440; reenacting and amending RCW 82.04.250; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing a contingent effective date; and providing expiration dates.

There being no objection, HOUSE BILL NO. 2294 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

**SECOND READING**

**HOUSE BILL NO. 2294, By Representatives Pettigrew, Priest, Morris and Hinkle; by request of Governor Locke**

**Providing tax incentives for the retention and expansion of the aerospace industry in Washington state.**

The bill was read the second time.

Representative Erickson moved the adoption of amendment (590):

On page 6, line 1, after "such airplanes," insert "and upon every direct service industrial customer as defined in RCW 82.04.447,"

On page 10, line 15, after "such airplanes," insert "and upon every direct service industrial customer as defined in RCW 82.04.447,"

**POINT OF ORDER**

Representative Kessler requested a ruling on scope and object of amendment (590) to House Bill No. 2294.

**SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (590) provides tax preferences to persons other than manufacturers of commercial airplanes or commercial airplane components and is therefore beyond the scope and object of the bill. Representative Kessler, your point of order is well taken."

With the consent of the House, amendment (589) was withdrawn.

Representative Condotta moved the adoption of amendment (591):

On page 22, after line 28, insert:  
"NEW SECTION. Sec. 18. Unless Senate Bill No. 6097 is enacted by July 1, 2003, this act is null and void."

**POINT OF ORDER**

Representative Kessler request a ruling on scope and object of amendment (591) to House Bill No. 2294.

**SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (591) makes the bill contingent upon enactment of a bill concerning unemployment insurance that would affect persons other than manufacturers of commercial airplanes or commercial airplane components. The amendment is beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

Representative Armstrong moved the adoption of amendment (592):

On page 22, after line 28, insert:  
"NEW SECTION. Sec. 18. Unless Senate Bill Nos. 5378 and 5271 are enacted by July 1, 2003, this act is null and void."

### **POINT OF ORDER**

Representative Kessler requested a ruling on scope and object to amendment (592) to House Bill No. 2294.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (592) makes the bill contingent upon the enactment of two bills concerning the workers compensation system. As with amendment (591), these bills affect persons other than manufacturers of commercial airplanes or commercial airplane components, and the amendment is therefore beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

Representative Anderson moved the adoption of amendment (593):

On page 22, after line 28, insert:

"NEW SECTION. **Sec. 18.** Unless Senate Bill No. 5530 is enacted by July 1, 2003, this act is null and void."

### **POINT OF ORDER**

Representative Kessler requested a ruling on scope and object to amendment (593) to House Bill No. 2294.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (593) makes the bill contingent upon the enactment of a bill concerning tax preferences for persons other manufacturers of commercial airplanes or commercial airplane components. The amendment is therefore beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

With the consent of the House, amendment (594) was withdrawn.

Representative Orcutt moved the adoption of amendment (595):

On page 22, after line 28, insert:

"NEW SECTION. **Sec. 18.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Effective October 1, 2005, all tax rates in effect under this chapter shall be reduced by twelve and one-half percent. Effective on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under section 17 of this act, all tax rates in effect under this chapter shall be reduced by forty percent compared to the rates in effect September 30, 2005.

(2) The rate reductions under this section do not apply to the rates in RCW 82.04.260(13)."

### **POINT OF ORDER**

Representative Kessler requested a ruling on scope and object to amendment (595) to House Bill No. 2294.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (595) extends business and occupation tax preferences to persons other than manufacturers of commercial airplanes or commercial airplane components, and is therefore beyond the scope and object of the bill.

Representative Kessler , your point of order is well taken."

Representative Orcutt moved adoption of amendment (596):

Beginning on page 2, line 3 strike all of sections 2 through 6 and insert the following:

**"Sec. 2.** RCW 82.04.230 and 1993 sp.s. c 25 s 101 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 3.** RCW 82.04.240 and 2003 c 149 (SB 5725) s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer, except persons taxable as manufacturers under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

(2) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or, in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips. This subsection (2) expires twelve years after July 27, 2003.

(3) The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 4.** RCW 82.04.250 and 1998 c 343 s 5 and 1998 c 312 s 4 are each reenacted and amended to read as follows:

(1) Upon every person except persons taxable under RCW 82.04.260(5), 82.04.272, or subsection (2) of this section engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent through September 30, 2005; multiplied by the rate of 0.4121 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2826 percent effective July 1, 2007.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

**Sec. 5.** RCW 82.04.255 and 1997 c 7 s 1 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.5 percent through September 30, 2005; multiplied by the rate of 1.3125 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.9000 percent effective July 1, 2007.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That



where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

**Sec. 6.** RCW 82.04.260 and 2003 c 261 (2SHB 1240) s 11 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(e) Alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007. This subsection (1)(e) expires July 1, 2009.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the

products manufactured multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter through September 30, 2005; multiplied by the rate of 1.3125 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.9000 percent effective July 1, 2007. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

**Sec. 7.** RCW 82.04.260 and 2003 c 339 (EHB 2146) s 11 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to

the value of the products manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such

persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter through September 30, 2005; multiplied by the rate of 1.3125 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.9000 percent effective July 1, 2007. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

**Sec. 8.** RCW 82.04.263 and 1996 c 112 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; as to such persons the amount of the tax with respect to such business shall be equal to the value of the gross income of the business multiplied by the rate of 0.471 percent through September 30, 2005; multiplied by the rate of 0.4121 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2826 percent effective July 1, 2007.

For the purposes of this chapter, "cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development" means the activities of handling, storing, treating, immobilizing, stabilizing, or disposing of radioactive waste, radioactive tank waste and capsules, nonradioactive hazardous solid and liquid wastes, or spent nuclear fuel; spent nuclear fuel conditioning; removal of contamination in soils and ground water; decontamination and decommissioning of facilities; and activities integral and necessary to the direct performance of cleanup.

**Sec. 9.** RCW 82.04.270 and 2001 1st sp.s. c 9 s 3 are each amended to read as follows:

Upon every person except persons taxable under RCW 82.04.260(5), 82.04.298, or 82.04.272 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

**Sec. 10.** RCW 82.04.272 and 1998 c 343 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of warehousing and reselling prescription drugs; as to such persons, the amount of the tax shall be equal to the gross income of the business multiplied by the rate of 0.138 percent through September 30, 2005; multiplied by the rate of 0.1208 percent

effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.0828 percent effective July 1, 2007.

(2) For the purposes of this section:

(a) "Prescription drug" has the same meaning as that term is given in RCW 82.08.0281; and

(b) "Warehousing and reselling prescription drugs" means the buying of prescription drugs from a manufacturer or another wholesaler, and reselling of the drugs to persons selling at retail or to hospitals, clinics, health care providers, or other providers of health care services, by a wholesaler or retailer who is registered with the federal drug enforcement administration and licensed by the state board of pharmacy.

**Sec. 11.** RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 12.** RCW 82.04.290 and 2001 1st sp.s. c 9 s 6 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent until October 1, 2005; multiplied by the rate of 0.2406 percent effective October 1, 2005, until July 1, 2007; and multiplied by the rate of 0.1650 percent effective July 1, 2007.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.298, 82.04.2905, 82.04.280, 82.04.2907, and 82.04.272, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent through September 30, 2005; multiplied by the rate of 1.3125 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.9000 percent effective July 1, 2007.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and

promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

**Sec. 13.** RCW 82.04.2905 and 1998 c 312 s 7 are each amended to read as follows:

Upon every person engaging within this state in the business of providing child care for periods of less than twenty-four hours; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

**Sec. 14.** RCW 82.04.2907 and 2001 c 320 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of receiving income from royalties or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees, the amount of tax with respect to such business shall be equal to the gross income from royalties or charges in the nature of royalties from the business multiplied by the rate of 0.484 percent through September 30, 2005; multiplied by the rate of 0.4235 percent effective October 1, 2005, through June 30, 2007; and multiplied by the rate of 0.2904 percent effective July 1, 2007.

"Royalties" means compensation for the use of intangible property, such as copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. It does not include compensation for any natural resource or licensing of canned software to the end user."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 20, line 14, after "person" strike all material through "or"

On page 20, line 23, after "of a" strike all material through "or"

On page 20, beginning on line 25, after "a" strike all material through "or" on line 26

On page 21, beginning on line 33, strike all material through "department." on line 37

### **POINT OF ORDER**

Representative Kessler requested a ruling on the scope and object of amendment (596) to House Bill No. 2294.

### **SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "House Bill No. 2294 is entitled an act relating to "retaining and attracting the aerospace industry to Washington state." The bill provides a number of tax incentives for manufacturers of commercial airplanes or commercial airplane components contingent upon the siting of a significant commercial airplane final assembly plant in Washington.

Amendment (596) provides business and occupation tax rate reductions to persons other than manufacturers of commercial airplanes or commercial airplane components. The Speaker therefore finds, as he has with the previous five amendments, that this amendment is beyond the scope and object of the bill.

Representative Kessler, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Priest, Wallace, Clements, Orcutt, McIntire, Jarrett, Kessler, Veloria, Dunshee, Schual-Berke, McMahan, Anderson, Delvin, Flannigan, Morris, Sump and Carrell spoke in favor of passage of the bill.

Representatives Benson, Santos, Campbell, Ahern, Mielke, DeBolt, Armstrong, Chandler, Ericksen, Schindler and Nixon spoke against the passage of the bill.

## MOTIONS

On motion of Representative Clements, Representatives Mastin, Roach, Schoesler and Sehlin were excused. On motion of Representative Santos, Representatives Eickmeyer and Gombosky were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2294.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2294 and the bill passed the House by the following vote: Yeas - 79, Nays - 13, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Armstrong, Condotta, Cox, Crouse, Flannigan, Haigh, Kirby, Mielke, Nixon, Santos, Schindler and Wood - 13.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.

HOUSE BILL NO. 2294, having received the necessary constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on HOUSE BILL NO. 2294.

DAN ROACH, 31<sup>st</sup> District

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

## INTRODUCTION & FIRST READING

ESSB 5028 By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Hale)

AN ACT Relating to water pollution; and amending RCW 90.48.010, 90.48.020, and 90.48.037.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5028 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053 and the bill was placed on the Third Reading calendar.

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

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5028, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Hale)**

**Clarifying the state's authority to regulate water pollution.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

**POINT OF ORDER**

Representative Dunshee indicated that he did not see a copy of the bill and requested that copies be distributed and read before discussion was continued.

**SPEAKER'S RULING**

The Speaker (Representative Lovick presiding): "Representative Dunshee, we apologize for the oversight and order the bill be distributed. Your point is well taken."

Representatives Dunshee, McDermott, McCoy, Upthegrove, Romero and Dickerson spoke against the passage of the bill.

**COLLOQUY**

Representative Chandler: "Is there anything in this bill that precludes the Department of Ecology from fully utilizing the authority granted to the agency under the water codes to regulate water rights?"

Representative Rockefeller: "No, the bill does not impact the ability of the Department of Ecology to enforce the water codes or the water quality statutes. This bill simply ensures that a distinct line exists between the two bodies of law. All authority granted including the ability to condemn water rights for higher purposes as authorized by RCW 90.03.040 remain available to the Department of Ecology."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5028.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5028 and the bill passed the House by the following vote: Yeas - 61, Nays - 31, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, DeBolt, Delvin, Edwards, Ericksen, Flannigan, Grant, Haigh, Hankins, Hatfield, Hinkle, Jarrett, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDonald, McMahan, McMorris, Mielke, Moeller, Morris, Newhouse, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Santos, Schindler, Shabro, Skinner, Sump, Talcott, Tom, Woods and Mr. Speaker - 61.

Voting nay: Representatives Chase, Cooper, Darneille, Dickerson, Dunshee, Fromhold, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, McCoy, McDermott, McIntire, Miloscia, Morrell, Murray, Nixon, O'Brien, Pettigrew, Romero, Ruderman, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace and Wood - 31.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.



ENGROSSED SUBSTITUTE SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5028.

DAN ROACH, 31<sup>st</sup> District

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, By House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)**

#### **Enhancing government accountability.**

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053 was returned to Second Reading for purpose of amendment.

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, By House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)**

#### **Enhancing government accountability.**

Representative Haigh moved the adoption of the following amendment (599):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

- (1) Public confidence in government is essential. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;
- (2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;
- (3) An independent citizen oversight board is necessary to establish a program to ensure that government services, customer satisfaction, program efficiency, and management systems are world class in performance; and
- (4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 3 through 6 of this act:

- (1) "Board" means the citizen oversight board created in section 3 of this act.
- (2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.
- (3) "Final performance audit report" means a written document jointly released by the citizen oversight board and the state auditor that includes the findings and comments from the preliminary performance audit report.
- (4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.
- (5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(6) "Preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.

(7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.09 RCW to read as follows:

(1) The citizen oversight board is created to improve efficiency, effectiveness, and accountability in state government.

(2) The board shall consist of seven members as follows:

(a) One member shall be the state auditor, who shall be a nonvoting member;

(b) One member shall be the chair of the joint legislative audit and review committee, or his or her designee, who shall be a nonvoting member;

(c) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a person from each list provided by each caucus; and

(d) The governor shall select the fifth member.

(3) The board shall elect a chair. Neither the chair of the joint legislative audit and review committee nor the state auditor may serve as chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Appointed members shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The office of the state auditor shall provide clerical, technical, and management personnel to the board to serve as the board's staff.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.09 RCW to read as follows:

(1) The board and the state auditor shall work together regarding performance audits of state government.

(2) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, time lines, program objectives, and mission and goals as required in RCW 43.88.090.

(3) Using the criteria developed in subsection (2) of this section, the board and the state auditor shall complete a statewide performance review as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews.

(4) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, state managers, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a time line decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. All audits shall be designed to be completed within a six-month period.

(5) Before adopting the final work plan, the board shall consider other relevant audits, accreditation, and operational or management reviews and consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort. The board shall defer to the joint legislative audit and review committee work plan if a similar performance audit is included on both work plans for auditing. The final work plan must be agreed upon by the board and the state auditor.

(6) The state auditor shall contract out for performance audits. In conducting the audits, agency front-line employees and internal auditors should be involved. The audits may include an evaluation of:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the state agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of state purchasing operations and management policies and practices; and

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(7) The state auditor and the board may develop a grading system for the audits. The audit report may include the agency grade, evaluation and identification of best practices, and findings and recommendations for efficiency and effectiveness of state programs. The board and the state auditor shall examine a system for grading the audits. The board shall report its findings to the legislature by December 31, 2003.

(8) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, the office of financial management, the board, and the joint legislative audit and review committee for comment. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

(9) The final reports shall be submitted to the board by the state auditor. The board and the state auditor shall jointly release final reports to the citizens of Washington, the governor, and the appropriate legislative committees. Final performance audit reports shall be posted on the internet.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.09 RCW to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the auditor and the board may require periodic reports of the action taken by the audited agency until all resolution has occurred.

The board may request status reports on specific audits or findings.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to contract out for performance audits identified in section 4 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.131 RCW to read as follows:

The citizen oversight board created in section 3 of this act and its powers and duties shall be terminated June 30, 2010, as provided in section 8 of this act. The joint legislative audit and review committee shall contract with a private entity for the review in this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

(1) Section 2 of this act;

(2) Section 3 of this act;

(3) Section 4 of this act;

(4) Section 5 of this act; and

(5) Section 6 of this act.

NEW SECTION. Sec. 9. (1) The sum of one hundred ninety-two thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2004, from the general fund to the state auditor for the purposes of this act.

(2) The sum of seven hundred sixty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund to the state auditor for the purposes of this act.

(3) The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund to the joint legislative audit and review committee for the purposes of this act."

Correct the title.

Representatives Haigh and Armstrong spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1053.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1053 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, having received the necessary constitutional majority, was declared passed.

#### **MESSAGES FROM THE SENATE**

June 10, 2003

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2252,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 10, 2003

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
ENGROSSED SENATE BILL NO. 6093,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

### **INTRODUCTION & FIRST READING**

ESSB 5071 by Senate Committee on Ways & Means (originally sponsored by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen)

AN ACT Relating to a business and occupation tax rate on certain FAR part 145 certificated repair stations; reenacting and amending RCW 82.04.250; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

2ESSB 5659 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)

AN ACT Relating to authorizing additional funding for local governments; amending RCW 84.52.043; reenacting and amending RCW 84.52.010; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.

ESSB 5982 By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Hewitt, Doumit, Horn and Reardon)

AN ACT Relating to the liquor control board fully implementing a retail business plan; amending RCW 66.08.030, 66.08.050, 66.08.060, and 41.06.380; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; creating a new section; and repealing RCW 66.16.080.

ESB 6093 by Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin

AN ACT Relating to funding and expenditures for official legislative association conferences; amending RCW 42.52.150; and adding a new section to chapter 42.52 RCW.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5071 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5982 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, ENGROSSED SENATE BILL NO. 6093 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, House Rule 13(c) was suspended.

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

## **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, By Senate Committee on Ways & Means (originally sponsored by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen)**

**Revising business and occupation taxation for certain aviation businesses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Pearson and Berkey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5071.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5071 and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Darneille, Dickerson and Romero - 3.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, having received the necessary constitutional majority, was declared passed.

## **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5071.

DAN ROACH, 31<sup>st</sup> District

**ENGROSSED SENATE BILL NO. 6093, By Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin**

**Allowing soliciting to host official legislative conferences.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6093.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6093 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.

ENGROSSED SENATE BILL NO. 6093, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on ENGROSSED SENATE BILL NO. 6093.

DAN ROACH, 31<sup>st</sup> District

**SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)**

#### **Authorizing additional funding for local governments.**

The bill was read the second time.

With the consent of the House, amendments (605), (609), (602), (608), (604), (607), (612) and (603) were withdrawn.

Representative Ericksen moved the adoption of amendment (611):

On page 2, after line 12, strike all of subsection (3) and insert the following:

"(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section."

Representatives Ericksen and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative McMahan moved the adoption of amendment (606):

On page 2, line 24, after "distributed" strike "on a per capita basis to cities in the county" and insert "to cities in the county in proportion to the amount of the tax collected in each city"

Representatives McMahan and Lantz spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5659 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 40, Absent - 0, Excused - 6.

Voting yea: Representatives Bailey, Berkey, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Murray, O'Brien, Pettigrew, Priest, Rockefeller, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Morrell, Morris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Quall, Romero, Schindler, Shabro, Skinner, Sump and Woods - 40.

Excused: Representatives Eickmeyer, Gombosky, Mastin, Roach, Schoesler and Sehlin - 6.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659.

DAN ROACH, 31<sup>st</sup> District

### **MESSAGES FROM THE SENATE**

June 10, 2003

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, with the following amendments:

On page 2, line 7, after "grade", strike "twelve" and insert "eleven".

Renumber the sections consecutively and correct any internal references accordingly.

On page 4, line 23, after "only." strike all material down and through "factor."

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Milt H. Doumit, Secretary



June 10, 2003

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5028,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,  
ENGROSSED SENATE BILL NO. 6093,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 10, 2003

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5271,  
ENGROSSED SENATE BILL NO. 6097,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,  
HOUSE BILL NO. 2252,  
HOUSE BILL NO. 2266,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5028,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,  
SENATE BILL NO. 6059,  
SENATE BILL NO. 6087,  
SENATE BILL NO. 6092,  
ENGROSSED SENATE BILL NO. 6093,

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

#### **INTRODUCTION & FIRST READING**

HCR 4410 By Representatives Kessler and DeBolt

Adjourning SINE DIE.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4410 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

#### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4410, By Representatives Kessler and DeBolt**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

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

HOUSE CONCURRENT RESOLUTION NO. 4410 was adopted.

**MESSAGES FROM THE SENATE**

June 10, 2003

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,  
HOUSE BILL NO. 2252,  
HOUSE BILL NO. 2266,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

June 10, 2003

Mr. Speaker:

By motion of the Senate the following House Bills are returned:

SUBSTITUTE HOUSE BILL NO. 1013,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,  
HOUSE BILL NO. 2294,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the following Senate Bills were returned to the Senate:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,  
SENATE BILL NO. 5271,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,  
ENGROSSED SENATE BILL NO. 6084,  
ENGROSSED SENATE BILL NO. 6097,

June 10, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:

HOUSE CONCURRENT RESOLUTION NO. 4410,  
**MESSAGE FROM THE SENATE**

June 10, 2003

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the reading of the Journal of the 30<sup>th</sup> day of the First Special Session of the 58<sup>th</sup> Legislature was dispensed with and it was ordered to stand approved.

There being no objection, the House of Representatives of the First Special Session of the 58<sup>th</sup> Legislature adjourned SINE DIE.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

***JOURNAL OF THE HOUSE***

THIRTIETH DAY, JUNE 10, 2003

---

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

**FIFTY EIGHTH LEGISLATURE - SECOND SPECIAL SESSION**

---

FIRST DAY

---

House Chamber, Olympia, Wednesday, June 11, 2003

The House was called to order at 1:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

**MESSAGE FROM THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2003 special session on June 10, 2003, the 30th day of the first special session; and

WHEREAS, substantial work needs to be done with respect to unemployment compensation reform, workers' compensation reform, tax incentives for the aerospace industry, and education;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in Olympia immediately upon sine die of the 1st special session on Wednesday, June 11, 2003 for no more than on day for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have Hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 11th day of June, A.D., two thousand and three.

Gary Locke  
Governor of Washington

**CALL OF THE HOUSE**

Representative Santos demanded a call of the House and the demand was sustained.

The Clerk called the roll.

The Speaker (Representative Lovick presiding) called upon the Sergeant at Arms to lock the Chamber doors and to escort the absent members to the floor.

With the consent of the House, Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin and Wallace were excused.

**MESSAGE FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 6097,  
SENATE CONCURRENT RESOLUTION NO. 8414,

and the same are herewith transmitted.

Milt H. Doumit

## **INTRODUCTION & FIRST READING**

2ESB 6097 by Senators Honeyford and Mulliken

AN ACT Relating to revising the unemployment compensation system through creating forty rate classes for determining employer contribution rates; amending RCW 50.01.010, 50.20.010, 50.20.050, 50.04.293, 50.20.060, 50.20.065, 50.20.240, 50.20.120, 50.20.100, 50.29.025, 50.04.355, 50.29.026, 50.29.062, 50.29.070, 50.12.220, 50.16.010, 50.16.015, 50.24.014, 50.20.190, 50.04.206, 50.20.140, 50.20.043, 50.20.160, 50.32.040, and 28B.50.030; reenacting and amending RCW 50.29.020; adding new sections to chapter 50.04 RCW; adding new sections to chapter 50.20 RCW; adding new sections to chapter 50.29 RCW; creating new sections; repealing RCW 50.20.015, 50.20.045, 50.20.125, and 50.29.045; providing an expiration date; and declaring an emergency.

SCR 8414 by Senators Sheahan, Finkbeiner and B. Sheldon

Specifying the status of bills, memorials, and resolutions for the 2003 second special session of the fifty-eighth legislature.

There being no objection, SECOND ENGROSSED SENATE BILL NO. 6097 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8414 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

## **SECOND READING**

**SENATE CONCURRENT RESOLUTION NO. 8414, By Senators Sheahan, Finkbeiner and B. Sheldon**

**Specifying the status of bills, memorials, and resolutions for the 2003 second special session of the fifty-eighth legislature.**

The concurrent resolution was read the second time.

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

SENATE CONCURRENT RESOLUTION NO. 8414 was declared adopted.

**SECOND ENGROSSED SENATE BILL NO. 6097, By Senators Honeyford and Mulliken**

**Revising the unemployment compensation system.**

The bill was read the second time.

Representative Kessler moved the adoption of amendment (617):

On page 12, beginning on line 25, strike all of subsection (2) and insert the following:

"(2)(a) With respect to claims that have an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. (b) With respect to claims that have an effective date on or after January 4, 2004, an individual's weekly benefit amount shall be an amount equal to three and nine-tenths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest."

Representatives Kessler, Conway, Hunt and Chopp spoke in favor of the adoption of the amendment.

Representatives Chandler, DeBolt, Benson, Clements, Anderson and Talcott spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (617) to Second Engrossed Senate Bill No. 6097.

### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (617) to Second Engrossed Senate Bill No. 6097, and the amendment was adopted by the following vote: Yeas - 48, Nays - 42, Absent - 0, Excused - 8.

Voting yea: Representatives Berkey, Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 48.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, DeBolt, Delvin, Ericksen, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Ruderman, Schindler, Shabro, Skinner, Sump, Talcott, Tom and Woods - 42.

Excused: Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin and Wallace - 8.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on amendment (617) to SECOND ENGROSSED SENATE BILL NO. 6097.

DAN ROACH, 31<sup>st</sup> District

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cooper and Conway spoke in favor of passage of the bill.

Representatives DeBolt, Ericksen, Pflug, Armstrong, Benson, Orcutt, Ahern and Anderson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 6097 as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 6097, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 38, Absent - 0, Excused - 8.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Pflug, Priest, Schindler, Shabro, Skinner, Sump, Talcott, Tom and Woods - 38.

Excused: Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin and Wallace - 8.

SECOND ENGROSSED SENATE BILL NO. 6097, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SECOND ENGROSSED SENATE BILL NO. 6097 as amended by the House. JOYCE MCDONALD, 25<sup>th</sup> District

#### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted NAY on SECOND ENGROSSED SENATE BILL NO. 6097 as amended by the House.

DAN ROACH, 31<sup>st</sup> District

#### **MESSAGE FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The Senate has passed SENATE BILL NO. 5271, and the same is herewith transmitted.  
Milt H. Doumit, Secretary

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

#### **INTRODUCTION & FIRST READING**

SB 5271 by Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries

AN ACT Relating to claims for hearing loss due to occupational noise exposure; and amending RCW 51.28.055.

There being no objection, SENATE BILL NO. 5271 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

#### **SECOND READING**

**SENATE BILL NO. 5271, By Senators Honeyford, Hewitt and Parlette; by request of Department of Labor & Industries**

## Regarding industrial insurance hearing loss claims.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (613):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.28.055 and 1984 c 159 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, claims for occupational disease or infection to be valid and compensable must be filed within two years following the date the worker had written notice from a physician: ~~((1))~~ (a) Of the existence of his or her occupational disease, and ~~((2))~~ (b) that a claim for disability benefits may be filed. The notice shall also contain a statement that the worker has two years from the date of the notice to file a claim. The physician shall file the notice with the department. The department shall send a copy to the worker and to the self-insurer if the worker's employer is self-insured. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

(2)(a) Except as provided in (b) of this subsection, to be valid and compensable, claims for hearing loss due to prolonged or repeated exposure to occupational noise must be filed within the earlier of the following:

(i) The time limits specified in subsection (1) of this section; or

(ii) The later of two years after the date that the worker retires from the work force or one year after the effective date of this section. A worker is presumed to be retired from the work force when he or she no longer receives income, salary, or wages from any employment that is regular, continuous, and gainful.

(b) A claim for hearing loss due to prolonged or repeated exposure to occupational noise that is not timely filed under (a) of this subsection may be allowed only for medical aid benefits under chapter 51.36 RCW.

(3) The department may adopt rules to implement this section.

**Sec. 2.** RCW 51.36.020 and 1999 c 395 s 1 are each amended to read as follows:

(1) When the injury to any worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

(2) Every worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction.

(3) Every worker whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced.

(4) Every worker whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident.

(5)(a) All mechanical appliances necessary in the treatment of an injured worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law.

(b) The department shall assess the benefits to workers and the costs of emerging technologies in determining which hearing devices are provided to workers under this title. Such new technology shall be made available to workers requiring new or replacement devices as deemed appropriate based on the department's assessment.

(6) A worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

(7) Whenever in the sole discretion of the supervisor it is reasonable and necessary to provide residence modifications necessary to meet the needs and requirements of the worker who has sustained catastrophic injury, the department or self-insurer may be ordered to pay an amount not to exceed the state's average annual wage for one year as determined under RCW 50.04.355, as now existing or hereafter amended, toward the cost of such modifications or construction. Such payment shall only be made for the construction or modification of a residence in which the injured worker resides. Only one residence of any worker may be modified or constructed under this subsection, although the supervisor may order more than one payment for any one home, up to the maximum amount permitted by this section.

(8)(a) Whenever in the sole discretion of the supervisor it is reasonable and necessary to modify a motor vehicle owned by a worker who has become an amputee or becomes paralyzed because of an industrial injury, the supervisor may order up to fifty percent of the state's average annual wage for one year, as determined under RCW 50.04.355, to be paid by the department or self-insurer toward the costs thereof.



(b) In the sole discretion of the supervisor after his or her review, the amount paid under this subsection may be increased by no more than four thousand dollars by written order of the supervisor.  
 (9) The benefits provided by subsections (7) and (8) of this section are available to any otherwise eligible worker regardless of the date of industrial injury.

**Sec. 3.** RCW 51.32.080 and 1993 c 520 s 1 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$54,000.00
Of leg at or above knee joint with functional stump	48,600.00
Of leg below knee joint	43,200.00
Of leg at ankle (Syme)	37,800.00
Of foot at mid-metatarsals	18,900.00
Of great toe with resection of metatarsal bone	11,340.00
Of great toe at metatarsophalangeal joint	6,804.00
Of great toe at interphalangeal joint	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	4,140.00
Of lesser toe at metatarsophalangeal joint	2,016.00
Of lesser toe at proximal interphalangeal joint	1,494.00
Of lesser toe at distal interphalangeal joint	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	48,600.00

Of all fingers except the thumb at metacarpophalangeal joints	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	19,440.00
Of thumb at interphalangeal joint	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	12,150.00
Of index finger at proximal interphalangeal joint	9,720.00
Of index finger at distal interphalangeal joint	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	9,720.00
Of middle finger at proximal interphalangeal joint	7,776.00
Of middle finger at distal interphalangeal joint	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	4,860.00
Of ring finger at proximal interphalangeal joint	3,888.00
Of ring finger at distal interphalangeal joint	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	2,430.00
Of little finger at proximal interphalangeal joint	1,944.00
Of little finger at distal interphalangeal joint	972.00

#### MISCELLANEOUS

Loss of one eye by enucleation	21,600.00
Loss of central visual acuity in one eye	18,000.00

Complete loss of hearing in both ears	43,200.00
Complete loss of hearing in one ear	7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:

(i) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-two percent; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(c) For occupational disease claims filed on or after the effective date of this section, compensation for permanent partial disabilities for hearing loss due to prolonged or repeated exposure to occupational noise shall be paid at an amount equal to seventy-five percent of the monetary value of such disability under this section.

(2) Compensation for amputation of a member or part thereof at a site other than those specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment. To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars. Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars. Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(6) When the compensation provided for in subsections (1) through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be

made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment. However, upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Except as otherwise provided in this section, awards payable under this section are governed by the schedule in effect on the date of injury.

**NEW SECTION. Sec. 4.** A new section is added to chapter 51.32 RCW to read as follows:

A claim for hearing loss due to prolonged or repeated exposure to occupational noise is allowed under this title only if it otherwise satisfies the definition of occupational disease under RCW 51.08.140.

**NEW SECTION. Sec. 5.** Section 1 of this act applies to all claims filed on or after the effective date of this section for hearing loss due to prolonged or repeated exposure to occupational noise regardless of the date of injurious exposure."

Correct the title.

Representatives Conway and Wood spoke in favor of adoption of the amendment.

Representatives Chandler and Clements spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (613) to Senate Bill No. 5271.

#### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (613) to Senate Bill No. 5271, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 51, Absent - 0, Excused - 8.

Voting yea: Representatives Berkey, Blake, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Edwards, Flannigan, Grant, Haigh, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, Pettigrew, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sullivan, Upthegrove, Veloria and Wood - 39.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Linville, McDonald, McMahan, McMorris, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Schindler, Shabro, Skinner, Sommers, Sump, Talcott, Tom, Woods and Mr. Speaker - 51.

Excused: Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin and Wallace - 8.

#### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on amendment (613) to SENATE BILL NO. 5271.

DAN ROACH, 31<sup>ST</sup> District

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5271.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5271 and the bill passed the House by the following vote: Yeas - 69, Nays - 21, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Ruderman, Schindler, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Woods and Mr. Speaker - 69.

Voting nay: Representatives Blake, Chase, Cody, Conway, Cooper, Flannigan, Hudgins, Hunt, Kenney, Kirby, McDermott, Morrell, Murray, Pettigrew, Romero, Santos, Schual-Berke, Simpson, Upthegrove, Veloria and Wood - 21.

Excused: Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin, and Wallace - 8.

SENATE BILL NO. 5271, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on SENATE BILL NO. 5271.

JIM MCINTIRE, 46<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on SENATE BILL NO. 5271.

DAN ROACH, 31<sup>st</sup> District

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

### **THIRD READING**

**HOUSE BILL NO. 2294, By Representatives Pettigrew, Priest, Morris and Hinkle; by request of Governor Locke**

**Providing tax incentives for the retention and expansion of the aerospace industry in Washington state.**

Representatives Pettigrew, Bush and Tom spoke in favor of passage of the bill.

With the consent of the House, Representative Sommers was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2294.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2294 and the bill passed the House by the following vote: Yeas - 79, Nays - 10, Absent - 0, Excused - 9.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Schual-Berke, Shabro, Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Woods and Mr. Speaker - 79.

Voting nay: Representatives Armstrong, Condotta, Cox, Flannigan, Haigh, Kirby, Nixon, Santos, Schindler and Wood - 10.

Excused: Representatives Crouse, Gombosky, Mastin, Mielke, Roach, Schoesler, Sehlin, Sommers, and Wallace - 9.

HOUSE BILL NO. 2294, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the call of the House was dispensed with.

#### **MESSAGE FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5271,  
SENATE CONCURRENT RESOLUTION NO. 8414,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

#### **MOTION**

Representative Romero moved that the House adjourn.

The Speaker (Representative Lovick presiding) stated the question before the House was the motion that the House adjourn.

The motion was not adopted.

#### **MESSAGE FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SENATE BILL NO. 6097, adheres to its position, and the same is herewith transmitted.

Milt H. Doumit, Secretary

#### **MOTION**

Representative Kessler moved that the House recede from its amendment to SECOND ENGROSSED SENATE BILL NO. 6097.

Representatives Kessler, Chandler and Simpson spoke in favor of adoption of the motion.

Representatives Dickerson, Conway and Flannigan spoke against the adoption of the motion.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of the motion that the House recede from its amendment to Second Engrossed Senate Bill No. 6097.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion that the House recede from its amendment to Second Engrossed Senate Bill No. 6097.

### **ROLL CALL**

The Clerk called the roll on the adoption of the motion that the House recede from its amendment to Second Engrossed Senate Bill No. 6097, and the motion was adopted by the following vote: Yeas - 50, Nays - 41, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kessler, Kristiansen, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Schindler, Shabro, Skinner, Sump, Talcott, Tom and Woods - 50.

Voting nay: Representatives Blake, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Haigh, Hudgins, Hunt, Kagi, Kenney, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Murray, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 41.

Excused: Representatives Gombosky, Kirby, Mastin, Moeller, Roach, Schoesler and Sehlin - 7.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on the motion that the House recede from its amendments to SECOND ENGROSSED SENATE BILL NO. 6097.

DAN ROACH, 31<sup>st</sup> District

The question before the House was the final passage of Second Engrossed Senate Bill No. 6097, without the House amendment.

Representatives McMorris and Chandler spoke in favor of passage of the bill without the House amendment.

Representatives Cooper, Veloria, Hudgins, Kenney, McIntire, Conway and Chase spoke against the passage of the bill without the House amendment.

With the consent of the House, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 6097, without the House amendment.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 6097, without the House amendment, and the bill passed the House by the following vote: Yeas - 57, Nays - 33, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta,

Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kessler, Kristiansen, Linville, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Ruderman, Schindler, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom and Woods - 57.

Voting nay: Representatives Blake, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Haigh, Hudgins, Hunt, Kagi, Kenney, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Murray, Pettigrew, Romero, Santos, Schual-Berke, Simpson, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 33.

Excused: Representatives Edwards, Gombosky, Kirby, Mastin, Moeller, Roach, Schoesler and Sehlin - 8.

SECOND ENGROSSED SENATE BILL NO. 6097, without House amendment,, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on SECOND ENGROSSED SENATE BILL NO. 6097, without the House amendment.

DAN ROACH, 31<sup>st</sup> District

### **MESSAGE FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6099, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

### **INTRODUCTION & FIRST READING**

SB 6099 by Senator Honeyford; by request of Governor Locke

AN ACT Relating to making appropriations for the payment of expenses related to the implementation of 2ESB 6097; and making appropriations.

There being no objection, SENATE BILL NO. 6099 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

### **SECOND READING**

**SENATE BILL NO. 6099, By Senator Honeyford; by request of Governor Locke**

**Making an appropriation for the payment of expenses related to the implementation of 2ESB 6097.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6099.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6099 and the bill passed the House by the following vote: Yeas - 68, Nays - 22, Absent - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Berkey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Cox, Crouse, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Lantz, Linville, Lovick, McDonald, McMahan, McMorris, Mielke, Miloscia, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pflug, Priest, Quall, Rockefeller, Ruderman, Santos, Schindler, Shabro, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Wallace, Woods and Mr. Speaker - 68.

Voting nay: Representatives Chase, Cody, Conway, Cooper, Darneille, Dickerson, Flannigan, Hudgins, Hunt, Kenney, McCoy, McDermott, McIntire, Morrell, Murray, Pettigrew, Romero, Schual-Berke, Simpson, Upthegrove, Veloria and Wood - 22.

Excused: Representatives Edwards, Gombosky, Kirby, Mastin, Moeller, Roach, Schoesler and Sehlin - 8.

SENATE BILL NO. 6099, having received the necessary constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on SENATE BILL NO. 6099.

DAN ROACH, 31<sup>st</sup> District

The Speaker (Representative Lovick presiding) called upon Representative Hudgins to presiding.

### **MESSAGES FROM THE SENATE**

June 11, 2003

Mr. Speaker:

The President has signed SENATE BILL NO. 6099, and the same is herewith transmitted.

Milt H. Doumit

June 11, 2003

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8415,  
SENATE CONCURRENT RESOLUTION NO. 8416,

and the same are herewith transmitted.

Milt H. Doumit

June 11, 2003

Mr. Speaker:

The President has signed SECOND ENGROSSED SENATE BILL NO. 6097, and the same is herewith transmitted.

Milt H. Doumit

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

## INTRODUCTION & FIRST READING

HB 2287 by Representatives Cairnes, Anderson, Mielke, Bailey, Miloscia, Woods, McMahan, Pflug, Orcutt, Clements, Carrell, Talcott, Kristiansen, Shabro, Ericksen, Sump, Newhouse, Tom, Pearson, McDonald, Condotta, Benson, Ahern, Alexander, DeBolt, Mastin, Chandler, Nixon, Crouse, Holmquist, Armstrong and Bush

AN ACT Relating to business and occupation tax credits and deferrals for research and development and high technology job creation; and amending RCW 82.04.4452 and 82.63.030.

Referred to Committee on Finance.

HB 2288 by Representatives Orcutt, Mielke, Kristiansen, DeBolt, Alexander and Holmquist

AN ACT Relating to the citizens' commission on salaries for elected officials; amending RCW 43.03.300 and 43.03.310; and providing a contingent effective date.

Referred to Committee on State Government.

HB 2289 by Representatives Cox, Fromhold, Jarrett, Gombosky, Murray, Tom and Hunter

AN ACT Relating to school district levy base calculations; amending RCW 84.52.0531 and 84.52.0531; and providing effective dates.

Referred to Committee on Education.

HB 2290 by Representatives Pflug, Bailey, Benson, Mielke, McMahan, Woods, Holmquist, Chandler, Clements, Armstrong, Condotta, Carrell, Schindler, Pearson, Newhouse, Anderson and Bush

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 19.52.025, 4.56.250, 7.70.100, 4.16.350, 7.70.080, 7.70.060, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding a new section to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 4.16 RCW; adding a new section to chapter 4.28 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2291 by Representatives Pflug, Benson, Bailey, Mielke, McMahan, Woods, Holmquist, Chandler, Clements, Armstrong, Condotta, Schindler, Anderson and Bush

AN ACT Relating to access to health insurance for employers and their employees; amending RCW 48.21.045, 48.43.035, 48.43.045, 48.44.022, 48.44.023, 48.46.064, and 48.46.066; reenacting and amending RCW 48.43.005; and creating a new section.

Referred to Committee on Health Care.

HB 2292 by Representatives Chandler, Mielke, McMahan, Woods, Holmquist, Clements, Armstrong, Condotta, Newhouse and Anderson

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010, 49.46.010, and 49.46.020; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2293 by Representatives Chandler, Mielke, McMahan, Woods, Holmquist, Clements, Armstrong, Condotta, Schindler, Newhouse and Anderson

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.28.055, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2295 by Representatives Quall, Talcott, Rockefeller and Anderson

AN ACT Relating to charter schools; amending RCW 41.59.080 and 28A.150.010; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 2296 by Representatives Wallace, Haigh, McDermott, McIntire, Clibborn, Priest, McCoy, Lovick, O'Brien and Fromhold

Referred to Committee on State Government.

HJR 4213 by Representatives Orcutt, Mielke, Kristiansen, DeBolt, Alexander and Holmquist

Implementing the salary commission's changes.

Referred to Committee on State Government.

SCR 8415 by Senators T. Sheldon and B. Sheldon

Returning bills to the house of origin.

SCR 8416 by Senators Sheahan and B. Sheldon

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8415 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8416 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

## **REPORTS OF STANDING COMMITTEES**

June 4, 2003

HB 2283 Prime Sponsor, Representative Conway: Concerning hearing loss claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was referred to the committee so designated.

### MESSAGE FROM THE SENATE

June 11, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2294, and the same is herewith transmitted.  
Milt H. Doumit, Secretary

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

### SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8415, By Senators T. Sheldon and B. Sheldon**

#### **Returning bills to the house of origin.**

The concurrent resolution was read the second time.

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

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8415.

SENATE CONCURRENT RESOLUTION NO. 8415 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8416, By Senators Sheahan and B. Sheldon**

#### **Adjourning SINE DIE.**

The concurrent resolution was read the second time.

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

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8416.

SENATE CONCURRENT RESOLUTION NO. 8416 was adopted.

### SIGNED BY THE SPEAKER

The Speaker (Representative Hudgins presiding) informed the Chamber that the Speaker had signed:

HOUSE BILL NO. 2294,  
SENATE BILL NO. 5271,  
SECOND ENGROSSED SENATE BILL NO. 6097,  
SENATE BILL NO. 6099,  
SENATE CONCURRENT RESOLUTION NO. 8414,

## RESOLUTION

HOUSE RESOLUTION NO. 2003-4668, By Representatives Kessler and DeBolt

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the Fifty-Eighth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee

and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That, in accordance with the policies set by the Executive Rules Committee, members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings, plus mileage to and from the conferences and meetings, at the rate established by law, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-Eighth Legislature, as well as any committee assembly.

HOUSE RESOLUTION NO. 4668 was adopted.

### MESSAGES FROM THE SENATE

June 11, 2003

Mr. Speaker:

The President has signed: HOUSE BILL NO. 2294,  
SENATE CONCURRENT RESOLUTION NO. 8415,  
SENATE CONCURRENT RESOLUTION NO. 8416,  
and the same are herewith transmitted.

Milt H. Doumit

### SIGNED BY THE SPEAKER

The Speaker signed:

SENATE CONCURRENT RESOLUTION NO. 8415,  
SENATE CONCURRENT RESOLUTION NO. 8416,

There being no objection, the reading of the Journal of the 1<sup>st</sup> Day of the Second Special Session of the 58<sup>th</sup> Legislature was dispensed with and it was ordered to stand approved.

There being no objection, the House of Representatives of the Second Special Session of the 58<sup>th</sup> Legislative adjourned SINE DIE.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk  
JOURNAL OF THE HOUSE

FIRST DAY - JUNE 11, 2003

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

**FIFTY EIGHTH LEGISLATURE - THIRD SPECIAL SESSION**

---

FIRST DAY

---

House Chamber, Olympia, Friday, December 5, 2003

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dave Mangino and Scott Obert. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

**MEMBER RESIGNATION**

July 16, 2003

The Honorable Gary Locke  
Governor, State of Washington  
P.O. Box 40002  
Olympia, WA 98504

Dear Governor Locke:

This is to inform you that I am resigning my position as State Representative from the 3<sup>rd</sup> Legislative District, effective August 10, 2003.

Sincerely,

Jeff Gombosky  
State Representative

**MESSAGE FROM SPOKANE COUNTY  
RESOLUTION NO. 3-0875**

**WHEREAS**, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

**WHEREAS**, pursuant to the provisions of Article II, §15 of the Washington State Constitution, when a vacancy occurs in either House of the Legislature, or in any partisan County elected office, it shall be filled by appointment by the Board of County Commissioners of the county in which the vacancy occurs provided that the vacancy must be from the same legislative district, county, or county commissioner district and the same political party as the legislator or partisan county elective official whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of the party; and

**WHEREAS**, Jeff Gombosky submitted his resignation as State Representative from the 3<sup>rd</sup> Legislative District of the State of Washington to the Governor of the State of Washington, having an effect date of August 10, 2003; and

**WHEREAS**, pursuant to the provisions of Article II, §15 of the Washington State Constitution, the Spokane County Democratic Committee, through correspondence dated September 10, 2003, submitted a letter to the Board of County Commissioners of Spokane County containing the names of

three persons who were nominated by the Democratic Party Central Committee to fill the vacancy created by the resignation of Jeff Gombosky,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Spokane County, pursuant to the provisions of Article II, §15 of the Washington State Constitution and the letter submitted to the Board of County Commissioners on September 10, 2003, from the Spokane County Democratic Central Committee, that the Board does hereby appoint:

**TIMM ORMSBY**

to fill the vacancy created by the resignation of Jeff Gombosky as State Representative of the 3<sup>rd</sup> District of the State of Washington to hold such office until his successor is elected in the next General Election.

PASSED AND ADOPTED this 30<sup>th</sup> day of September, 2003.

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

JOHN ROSKELLEY, Chair  
PHILLIP D. HARRIS, Vice Chair  
M. KATE MCCASLIN

The Speaker called upon the Chamber to acknowledge Representative Timm Ormsby.

The Speaker congratulated Representatives DeBolt and Chandler on their election to Republican Leadership.

**MESSAGE FROM THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Regular Session of the Legislature adjourned on April 27, 2003, the 105<sup>th</sup> day of session; and

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 First Special Session of the Legislature adjourned on June 10, 2003, the 30<sup>th</sup> day of the first special session; and

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Second Special Session of the Legislature adjourned on June 11, 2003, the 1<sup>st</sup> day of the second special session; and

**WHEREAS**, it is now necessary for me to convene a Third Special Session of the Legislature for the purpose of canceling the non-binding 2004 presidential primary;

**NOW, THEREFORE, I**, Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session at the Capitol in Olympia at noon on Friday, December 5, 2003 for a period of not more than one week for the purpose of enacting legislation as described above.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 4<sup>th</sup> day of November, A.D., two thousand and three.

Gary Locke, Governor of Washington

**MESSAGE FROM THE CHIEF CLERK**

July 17, 2003

Speaker Frank Chopp  
P.O. Box 40600  
Olympia, WA 98504



Dear Speaker Chopp:

This is to inform you that I will be resigning my position as Chief Clerk, effective 7/31/2003, to become President of TVW. It has been an honor to serve you and the members of the House of Representatives and I wish you every success in the future.

Sincerely,

Cynthia Zehnder  
Chief Clerk

### **ELECTION OF CHIEF CLERK**

Representative Kessler: "Thank you Mr. Speaker. It is an honor to nominate Rich Nafziger as Chief Clerk of the Washington State House of Representatives.

Rich and I go back many years. In fact, before I was elected to the State House, Rich arrived in Grays Harbor from Olympia to work with a battered and bruised community. He offered his hand...the hand of government . . . "Hi, I'm Rich Nafziger, I'm from the government and I'm here to help you." I thought at the time, what a brave man he was to come to timber country and offer to help pick up the pieces. A daunting task at best since my community was in a fairly hostile mood over decisions that were made by government. Decisions that drove the unemployment rate in Grays Harbor up to 19% by 1993.

Well here we are, over a decade later and I am nominating this same man to serve as Chief Clerk for the Washington State House of Representatives. A very critical and important administrative job to be sure. But also a job that requires someone who can work with both sides of the aisle to ensure that the institution is protected at all times. That the employees and members feel valued and respected. That our ever shrinking dollars are spent wisely and efficiently. A daunting task but one Rich is certainly up to.

He emerged from his job in timber country unscathed and with the respect of the community. I know he will give the same energy, respect and expertise to the job of Chief Clerk. I am confident that we can look to him for leadership and a commitment to our beloved House of Representatives. He is a man of honor, a man of compassion, a proven leader and administrator and, more importantly, a good listener. A skill that will go a long way in performing the myriad of tasks required of this job and the diverse cast of characters that make up the House of Representatives.

Please join me in voting for Rich Nafziger as the Chief Clerk of the Washington State House of Representatives.

Thank you."

Representative Clements: "Thank you, Mr. Speaker. I am pleased to second and proud to support the nomination of Rich Nafziger for Chief Clerk. Rich and I met in 1996 and have been professional friends since then. I know his political adventure and career began as a nonpartisan employee of the House Appropriations Committee twenty years ago. And as mentioned, he worked for Governor Gardner on the timber issues that impacted this State dramatically in the 80's and 90's.

My introduction to Rich was in 1996. He was the liaison for Governor Locke when it came to farm worker issues, unemployment issues and work force training. In all these years, we've never had an argument, Mr. Speaker. We both decided early on that success on some of these tough issues was to be determined by genuine concern rather than politics. Rich is a man that will work for this body building bridges rather than burning them. He has always worked, Mr. Speaker, with fairness and an open mind. I know even today very little is for certain in this world that you and I live in, but I do know that Rich will serve this body well and with honor.

Thank you."

Representative Kessler moved that the nominations for Chief Clerk be closed. The motion carried.

Representative Kessler moved that by a unanimous voice vote, Richard Nafziger be elected as Chief Clerk of the House. The motion carried.

The Speaker asked Representatives Kessler and Clements to escort Richard Nafziger to the Rostrum.

Supreme Court Justice Tom Chambers administered the Oath of Office to Richard Nafziger.

Chief Clerk Richard Nafziger: "Thank you Mr. Speaker. Thank you Justice Chambers. Thank you Representative Kessler and Representative Clements for your kind words.

Mr. Speaker, I am truly honored to be here. And I am pleased that my family is here, too. I'd like to thank my wife Kristin Swenddal, and my daughters, Tess and Mia, for coming today, and for all their support.

I recognize that my service will be one very small moment in the long history of this institution. This moment was made possible by all those who have come before me, and who have built the standards of civility, transparency, and mutual respect that make democracy possible. So I want to acknowledge an enormous debt of gratitude to all those who have held this office before me.

I want to thank both staff and members for their hard work, and for sharing the special experience of making Washington history.

I also want to express my commitment to respect the important role of the minority party. Debate and dissent are the lifeblood of the democratic tradition. A strong and vocal minority is essential to the rigor and integrity of the legislative process, and to the full representation of Washington's citizens.

Again, thank you very much for entrusting me with the administration of this institution, and for your devotion to the practice of democracy."

The Speaker requested the Sergeant-at-Arms to escort Justice Chambers from the Chambers.

## **INTRODUCTION & FIRST READING**

HB 2297 By Representatives Haigh, Armstrong, Kagi, Nixon, Santos, Hinkle, Shabro, Tom, Fromhold, Delvin, Dickerson, Alexander, McCoy, Ahern, Simpson, Woods, Clibborn, McDonald, Kenney, Miloscia, Chase, Lantz, Bailey, Schual-Berke, Hudgins, Flannigan, Dunshee, Ruderman, Darneille, Upthegrove, Linville, Blake, Hunter, Quall, Hunt, Morris, Wallace, Kessler, Veloria, Hankins, Lovick, Eickmeyer, Berkey, Romero, Rockefeller, Morrell and Sullivan; by request of Governor Locke

AN ACT Relating to the cancellation of the 2004 presidential primary; amending RCW 29.19.020 and 29A.56.020; providing an effective date; providing expiration dates; and declaring an emergency.

HJM 4029 By Representatives Morris, Nixon, Linville, Tom, Wood, Hankins and Eickmeyer

Encouraging participating parties to sign the Bonneville Power Administration's proposed agreement.

HCR 4411 By Representatives Kessler, Chandler and Sullivan

Adjourning SINE DIE.

There being no objection, HOUSE BILL NO. 2297 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4411 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, HOUSE JOINT MEMORIAL NO. 4029 listed on the day's introduction sheet under the fourth order of business was referred to the Committee on Technology, Telecommunications and Energy.

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

## SECOND READING

**HOUSE BILL NO. 2297, By Representatives Haigh, Armstrong, Kagi, Nixon, Santos, Hinkle, Shabro, Tom, Fromhold, Delvin, Dickerson, Alexander, McCoy, Ahern, Simpson, Woods, Clibborn, McDonald, Kenney, Miloscia, Chase, Lantz, Bailey, Schual-Berke, Hudgins, Flannigan, Dunshee, Ruderman, Darneille, Upthegrove, Linville, Blake, Hunter, Quall, Hunt, Morris, Wallace, Kessler, Veloria, Hankins, Lovick, Eickmeyer, Berkey, Romero, Rockefeller, Morrell and Sullivan; by request of Governor Locke**

### **Canceling the presidential primary in 2004.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

Representative Shabro spoke against the passage of the bill.

## MOTIONS

On motion of Representative Hudgins, Representatives Dickerson and Santos were excused. On motion of Representative Clements, Representatives Cairnes, Delvin, Jarrett, Mastin and Skinner were excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2297.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2297 and the bill passed the House by the following vote: Yeas - 84, Nays - 7, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Berkey, Blake, Boldt, Buck, Bush, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Pflug, Priest, Quall, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Benson, Carrell, Kirby, McMahan, Mielke, Roach and Shabro - 7.

Excused: Representatives Cairnes, Delvin, Dickerson, Jarrett, Mastin, Santos and Skinner - 7.

HOUSE BILL NO. 2297, having received the necessary constitutional majority, was declared passed.

## POINT OF PERSONAL PRIVILEGE

Representative Orcutt extended his thanks to members and staff for their cards and well wishes regarding his accident which broke his leg.

## RESOLUTION

HOUSE RESOLUTION NO.2003-4670, by Representatives Woods, Romero, Alexander, Conway, Berkey, Rockefeller, Edwards, Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Pflug, Priest, Quall, Roach, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace and Wood

WHEREAS, Over eight thousand five hundred men and women of the Washington National Guard, comprised of Air National Guard and Army National Guard, continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These citizen-soldiers are recognized leaders in state, regional, and national preparedness, reside in every legislative district throughout Washington, and volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington Army National Guard includes the 81st Armor Brigade (Separate) commanded by Brigadier General, Oscar B. Hilman; and

WHEREAS, The members of the 81st Armor Brigade stand ready to defend the lives and property of the citizens of the state of Washington, to defend this nation, and to defend the interests of freedom around the world; and

WHEREAS, The federal mission of the 81st Armor Brigade is to mobilize and deploy to a theater of operations to conduct combat operations, redeploy, and demobilize, and its state mission is to be prepared for employment in the protection of life and property, and the preservation of peace, order, and public safety, and/or disaster relief operations as required; and

WHEREAS, The 81st Armor Brigade came into existence as "straight-leg" infantry in 1968 but its origins go back to World War I; and

WHEREAS, The Governor has called-up the 81st Armor Brigade to State Active Duty on several occasions in past years to provide support in protecting lives and property from natural disasters; the Snohomish River valley flood in December 1975, the eruption of Mt. St. Helens in May 1980, the "Thanksgiving Day Floods in November 1990, and the massive forest fires in Eastern Washington in July to early September 1994, at which time 2,300 81st Armor Brigade personnel were fighting fires and providing support for local, state, and federal agencies; and

WHEREAS, The 81st Armor Brigade recently received Department of the Army mobilization orders that brought them on active duty beginning November 15, 2003, for eighteen months of federal active duty to include at least 12 months in Iraq conducting security, support, and stabilization operations; and

WHEREAS, The 81st Armor Brigade is one of three National Guard Enhanced Separate combat brigades nationwide that has been identified to deploy to Iraq in support of Operation Iraqi Freedom; and

WHEREAS, Members of the 81st Armor Brigade will spend several weeks of predeployment training at Fort Lewis and Yakima Training Center, coordinating their absence with their employers, and putting their personal affairs in order; and

WHEREAS, The 81st Armor Brigade is made up of the 1st Battalion, 303rd Armor and 1st Battalion, 185th Armor, the 1st Battalion, 161st Infantry, the 898th Engineer Battalion, the 2nd Battalion, 146th Field Artillery, the 181st Support Battalion, Troop E, 303rd Cavalry, the 281st Military Intelligence Company, Delta Battery, 216th Air Defense Artillery, and Headquarters and Headquarters Company, 81st Armor Brigade; and

WHEREAS, The members of the 81st Armor Brigade are dedicated troops, well-trained in all aspects of their mission, and perform their duties with great confidence and skill; and

WHEREAS, The members of the 81st Armor Brigade make great personal and professional sacrifices to serve our state and nation; and

WHEREAS, The families of the members of the 81st Armor Brigade endure not only the hardship of separation, but offer the greatest gift they possess on behalf of this nation - the health and life of their loved ones; and

WHEREAS, The employers of the members of the 81st Armor Brigade have gone above and beyond the call of duty with their support of the Washington National Guard mission; and

WHEREAS, Major General, Timothy J. Lowenberg, commander of the Washington National Guard, expressed his confidence that the 81st Armor Brigade will be ready to take on this important mission;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its gratitude and appreciation to the soldiers and airmen of the Washington National Guard and their families and employers without whom the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the commitment to duty, bravery, and self-sacrifice of the members of the 81st Armor Brigade, the devotion and sacrifice that is made by their families and loved ones allowing them to serve our great state and nation, and the support and sacrifice of their employers ensuring them the opportunity and security to serve; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington National Guard Commanding Officer, Major General, Timothy J. Lowenberg; the 81st Armor Brigade Commanding Officer, Brigadier General, Oscar B. Hilman; the Commanding Officer of the 1st Battalion, 303rd Armor, Lieutenant Colonel Ronald Kapral; the Commanding Officer of the 1st Battalion, 185th Armor, Lieutenant Colonel Keith Lochner; the Commanding Officer of the 1st Battalion, 161st Infantry, Lieutenant Colonel Christopher Fowler; the Commanding Officer of the 898th Engineer Battalion, Lieutenant Colonel Duane Coffey; the Commanding Officer of the 2nd Battalion, 146th Field Artillery, Major Grant Lingg; the Commanding Officer of the 181st Support Battalion, Lieutenant Colonel Harry Gonzalez; the Commanding Officer of Troop E 303rd Cav, Captain Anthony Lonsdale; the Commanding Officer of the 281st Military Intelligence Company, Captain Stanley Seo; the Commanding Officer of the Delta Battery, 216th Air Defense Artillery, Major Peter Lillie; the Commanding Officer of the Headquarters and Headquarters Company, 81st Armor Brigade, Major George Dukes; the Governor of the State of Washington, the Honorable Gary Locke; the Acting Secretary of the Army, the Honorable Les Brownlee; the Secretary of Defense, the Honorable Donald H. Rumsfeld; and the President of the United States, the Honorable George W. Bush.

Representative Woods moved the adoption of the resolution.

Representatives Woods and Romero spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4670 was adopted.

## **RESOLUTION**

HOUSE RESOLUTION NO. 2003-4669, By Representatives Schoesler and Cox

WHEREAS, Washington state annually awards one teacher in the state with the distinguished Teacher of the Year award; and

WHEREAS, Dennis Griner, chosen from among hundreds of Washington's top educators, is the recipient of the 2003 Washington State Teacher of the Year award; and

WHEREAS, Dennis Griner is a teacher at Garfield - Palouse High School in the Palouse School District and has been a professional educator for more than thirty years; and

WHEREAS, Mr. Griner is a remarkable catalyst for learning in his classrooms and his school, helping to cultivate a community of learners among his colleagues and students; and

WHEREAS, His passion, vision, and commitment to educating his students consistently exceed all expectations, and he regularly engages each student's mind, heart, and spirit, drawing out of these students the confidence and courage to have fun while learning; and

WHEREAS, Mr. Griner's brilliance in seizing every teachable moment and stretching young minds to want to learn new and exciting concepts is at the heart of education; and

WHEREAS, Mr. Griner challenges his students to follow him down new roads and adventures in learning; and

WHEREAS, Parents of Mr. Griner's students have sung praises of his ability to connect with their children, no matter how different each is; and

WHEREAS, Mr. Griner guides his students to discover within themselves new paths for success and new validation for their own unique talents; and

WHEREAS, Mr. Griner is a respected leader in his school district, beginning and ending each day teaching students the rules of the road in drivers' education classes, as well as teaching a full day of U.S. History and current world events; and

WHEREAS, Mr. Griner has a strong passion for audio/visual communications as well as possessing a strong gift in grant writing, a wealth of knowledge which he continues to share with his students as well as the whole community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Dennis Griner for his remarkable achievement in being awarded Washington State Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk to the Office of the Superintendent of Public Instruction, the Washington Education Association, the Palouse School District Superintendent, the principal of Garfield - Palouse High School, and Mr. Dennis Griner.

HOUSE RESOLUTION NO. 4669 was adopted.

#### **MESSAGE FROM THE SENATE**

December 5, 2003

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2297, and the same is herewith transmitted.

Milt H. Doumit, Secretary

#### **SIGNED BY THE SPEAKER**

The Speaker signed:  
HOUSE BILL NO. 2297

#### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4411, By Representatives Kessler, Chandler and Sullivan**

**Adjourning SINE DIE.**

The concurrent resolution was read the second time.

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411, having received the necessary constitutional majority, was declared adopted.

#### **MESSAGE FROM THE SENATE**

December 5, 2003

Mr. Speaker:

The President has signed HOUSE BILL NO. 2297, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**MESSAGE FROM THE SENATE**

February 5, 2003

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.

Milt H. Doumit, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed:  
HOUSE CONCURRENT RESOLUTION NO. 4411,  
**MESSAGE FROM THE SENATE**

December 5, 2003

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

There being no objection, the reading of the Journal of the 1<sup>st</sup> Day of the Third Special Session of the 58<sup>th</sup> Legislature was dispensed with and it was ordered to stand approved.

There being no objection, the House of Representatives of the Third Special Session of the 58<sup>th</sup> Legislature adjourned SINE DIE.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk  
FIRST DAY - DECEMBER 5, 2003

**JOURNAL OF THE HOUSE**